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File ID Number	22-0286
Introduction Date	2/9/2022
Enactment Number	22-0235
Enactment Date	2-23-2022 CJH



# Board Cover Memorandum

**To** Board of Education

**From** Gary Yee, Board President

**Meeting Date** February 23, 2022

**Subject** Resolution No. 2122-0076 - Communication To Alameda County Superintendent L.K. Monroe Regarding Going Concern Determination

**Ask of the Board** Approval by the Board of Education of Resolution No. 2122-0076 - Communication To Alameda County Superintendent L.K. Monroe Regarding Going Concern Determination

**Background** On November 8, 2021, the Alameda County Superintendent L.K. Monroe approved the 2021-22 Adopted Budget for the Oakland Unified School District (“OUSD” or “District”). At the same time, however, Superintendent Monroe determined that the District was a “Lack of Going Concern” pursuant to Education Code section 42127.6, subdivision (a), which empowers a county superintendent to provide a written notice of going concern determination to the governing board of the school district “[i]f at any time during the fiscal year the county superintendent of schools determines that a school district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified or negative certification.”

Upon making this determination, Superintendent Monroe proposed taking the following actions as permitted by law:

- Conduct a study of the financial and budgetary conditions of the school district that includes, but is not limited to, a review of internal controls,
- Assign FCMAT to perform certain reviews of the District’s finances and recommend corrective action, and
- Withhold compensation of the members of the Board and OUSD Superintendent Kyla Johnson-Trammell if the District fails to provide requested financial information;

Since Superintendent Monroe issued her going concern determination in November 2021, the OUSD Board of Education (“Board”) has taken certain actions that have had a significant impact on the District’s financial standing.

This item was introduced as a new legislative matter on February 9, 2022. The “WHEREAS” clauses of current proposed version has been revised from the original version.

**Discussion** The proposed Resolution would direct the Superintendent and Chief Governance Officer to prepare a letter to Superintendent Monroe that would (i) detail the actions

the Board has taken that have had a significant impact on the District's financial standing and (ii) request that Superintendent Monroe consider withdrawing her going concern determination in light of these actions and their associated improvement to the District's financial standing. The Resolution would authorize the Board President to sign the letter on behalf of the District.

**Fiscal Impact** N/A

**Attachment**

- Resolution No. 2122-0076 - Communication To Alameda County Superintendent L.K. Monroe Regarding Going Concern Determination

**RESOLUTION OF THE  
BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 2122-0076**

**Communication To Alameda County Superintendent L.K. Monroe Regarding Going Concern  
Determination**

**WHEREAS**, on November 8, 2021, the Alameda County Superintendent L.K. Monroe approved the 2021-22 Adopted Budget for the Oakland Unified School District (“OUSD” or “District”);

**WHEREAS**, at the same time, Superintendent Monroe determined that the District was a “Lack of Going Concern” pursuant to Education Code section 42127.6, subdivision (a), which empowers a county superintendent to provide a written notice of going concern determination to the governing board of the school district “[i]f at any time during the fiscal year the county superintendent of schools determines that a school district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified or negative certification”;

**WHEREAS**, upon making this determination, Superintendent Monroe proposed taking the following actions as permitted by law:

- Conduct a study of the financial and budgetary conditions of the school district that includes, but is not limited to, a review of internal controls,
- Assign FCMAT to perform certain reviews of the District’s finances and recommend corrective action, and
- Withhold compensation of the members of the Board and OUSD Superintendent Kyla Johnson-Trammell if the District fails to provide requested financial information;

**WHEREAS**, since Superintendent Monroe issued her going concern determination in November 2021, the OUSD Board of Education (“Board”) has taken certain actions that have had a significant impact on the District’s financial standing; and

**WHEREAS**, the Board has directed and empowered the Superintendent to implement those actions and the Board is committed to monitoring and supporting such implementation to ensure that it is done with fidelity in this and future years.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby directs the Superintendent and Chief Governance Officer to prepare a letter to be sent to Superintendent Monroe and signed by the Board President on behalf of the District that (i) details the actions the Board has taken that have had a significant impact on the District’s financial standing and (ii) requests that Superintendent Monroe consider withdrawing her going concern determination in light of these actions and their associated improvement to the District’s financial standing.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District this \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSED:

ABSENT:

**CERTIFICATION**

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Meeting of the Board of Education of the Oakland Unified School District held on \_\_\_\_\_, 2022.

<b>Legislative File</b>	
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By:	

**OAKLAND UNIFIED SCHOOL DISTRICT**

\_\_\_\_\_  
Gary Yee  
President, Board of Education

\_\_\_\_\_  
Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education

**RESOLUTION OF THE  
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**Resolution No. 2122-0076**

**Communication To Alameda County Superintendent L.K. Monroe Regarding Going Concern  
Determination**

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**WHEREAS**, at the same time, Superintendent Monroe determined that the District was a “Lack of Going Concern” pursuant to Education Code section 42127.6, subdivision (a), which empowers a county superintendent to provide a written notice of going concern determination to the governing board of the school district “[i]f at any time during the fiscal year the county superintendent of schools determines that a school district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified or negative certification”;

**WHEREAS**, upon making this determination, Superintendent Monroe proposed taking the following actions as permitted by law:

- Conduct a study of the financial and budgetary conditions of the school district that includes, but is not limited to, a review of internal controls,
- Assign FCMAT to perform certain reviews of the District’s finances and recommend corrective action, and
- Withhold compensation of the members of the Board and OUSD Superintendent Kyla Johnson-Trammell if the District fails to provide requested financial information;

**WHEREAS**, since Superintendent Monroe issued her going concern determination in November 2021, the OUSD Board of Education (“Board”) has taken certain actions that have had a significant impact on the District’s financial standing; and

**WHEREAS**, the Board has directed and empowered the Superintendent to implement those actions and the Board is committed to monitoring and supporting such implementation to ensure that it is done with fidelity in this and future years.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby directs the Superintendent and Chief Governance Officer to prepare a letter to be sent to Superintendent Monroe and signed by the Board President on behalf of the District that (i) details the actions the Board has taken that have had a significant impact on the District’s financial standing, ~~and~~ (ii) requests that Superintendent Monroe consider withdrawing her going concern determination in light of these actions and their associated improvement to the District’s financial standing; and (iii) requests that Superintendent Monroe or Trustee Cazares give a presentation at a Board meeting in March regarding the basis

for the going concern determination and the need for school consolidations and to respond to related questions from Board members.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District this \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSED:

ABSENT:

**CERTIFICATION**

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Meeting of the Board of Education of the Oakland Unified School District held on \_\_\_\_\_, 2022.

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**OAKLAND UNIFIED SCHOOL DISTRICT**

\_\_\_\_\_  
Gary Yee  
President, Board of Education

\_\_\_\_\_  
Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education

**RESOLUTION OF THE  
BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 2122-0076**

**Communication To Alameda County Superintendent L.K. Monroe Regarding Going Concern  
Determination**

**WHEREAS**, on November 8, 2021, the Alameda County Superintendent L.K. Monroe approved the 2021-22 Adopted Budget for the Oakland Unified School District (“OUSD” or “District”);

**WHEREAS**, at the same time, Superintendent Monroe determined that the District was a “Lack of Going Concern” pursuant to Education Code section 42127.6, subdivision (a), which empowers a county superintendent to provide a written notice of going concern determination to the governing board of the school district “[i]f at any time during the fiscal year the county superintendent of schools determines that a school district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified or negative certification”;

**WHEREAS**, upon making this determination, Superintendent Monroe proposed taking the following actions as permitted by law:

- Conduct a study of the financial and budgetary conditions of the school district that includes, but is not limited to, a review of internal controls,
- Assign FCMAT to perform certain reviews of the District’s finances and recommend corrective action, and
- Withhold compensation of the members of the Board and OUSD Superintendent Kyla Johnson-Trammell if the District fails to provide requested financial information;

**WHEREAS**, since Superintendent Monroe issued her going concern determination in November 2021, the OUSD Board of Education (“Board”) has taken certain actions that have had a significant impact on the District’s financial standing; and

**WHEREAS**, the Board has directed and empowered the Superintendent to implement those actions and the Board is committed to monitoring and supporting such implementation to ensure that it is done with fidelity in this and future years.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby directs the Superintendent and Chief Governance Officer to prepare a letter to be sent to Superintendent Monroe and signed by the Board President on behalf of the District that (i) details the actions the Board has taken that have had a significant impact on the District’s financial standing, (ii) requests that Superintendent Monroe consider withdrawing her going concern determination in light of these actions and their associated improvement to the District’s financial standing; and (iii) requests that Superintendent Monroe or Trustee Cazares give a presentation at a Board meeting in March regarding the basis

for the going concern determination and the need for school consolidations and to respond to related questions from Board members.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District this 23rd day of February, 2022, by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Aimee Eng, VanCedric Williams, Vice President Benjamin "Sam" Davis, President Gary Yee

NOES: Mike Hutchinson, Shanthi Gonzales, Clifford Thompson

ABSTAINED: None

RECUSED: None

ABSENT: Student Director Samantha Pal, Student Director Natalie Gallegos Chavez

### CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Meeting of the Board of Education of the Oakland Unified School District held on February 23, 2022.


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Enactment Date:	2-23-2022 CJH
By:	

### OAKLAND UNIFIED SCHOOL DISTRICT



2-24-2022

Gary Yee  
President, Board of Education



2-24-2022

Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education