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**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Board Cover Memorandum

To Board of Education

From VanCedric Williams, Board Member
Mike Hutchinson, Board Member

Meeting Date March 24, 2021

Subject Resolution No. 2021-0037 - Reparations for Black Students

Ask of the Board Adoption of Resolution No. 2021-0037 - Reparations for Black Students

Background For decades, Black students and families have experienced significant barriers and anti-Black racist structures in OUSD schools, and have suffered from a lack of investment in their success. Over the last twenty years, through school closures in Black neighborhoods and the gentrification it has spurred, the over-criminalization of Black youth, and the failure to adequately resource schools serving Black families, two-thirds of Black students have been forced out of the District. Black children in OUSD have faced the greatest obstacles and have been granted inadequate resources to allow them to thrive.

OUSD has taken a huge step in stopping the harm to Black students and families by following the community-based leadership of the Black Organizing Project (“BOP”) and adopting the George Floyd Resolution to eliminate the District’s police department. Now, the District must begin to invest in Black students and families to repair the generations of harm.

Discussion Since 2018, the Justice for Oakland Students Coalition Black Working Group (“J4OS-BWG”) has convened 150 Black students and families to envision solutions that will allow Black students to thrive in OUSD. This Resolution will build on the George Floyd Resolution, OUSD’s Equity Policy, and the work of the Black students and families engaged in the J4OS-BWG work to implement these solutions and invest in our 8,314 remaining Black students.

It is time for a solution that matches the scale of the problem. This Resolution will invest in Community Schools that center Black thriving and joy so that every Black student feels a sense of belonging, their identity is affirmed, and they have the resources needed to succeed.

This Resolution will create a Black Student and Families Task Force which will put forth a set of Black Thriving Indicators to hold the District and the Board accountable. It will reprioritize existing resources and draw new resources into a categorical Black Thriving Fund to support the academic and socio-emotional needs of Black students. It will, through the development of a Black Students Thrive Plan, monitor the District's success. This Resolution will ensure the ongoing implementation of the George Floyd Resolution and the development of a citywide Birth to Kinder plan for Black students. Finally, it will ensure that everyone in OUSD schools, from students to teachers to administrators and the Board, will be trained in anti-Racist, Black healing centered practices.

The Covid-19 Pandemic has revealed and exacerbated the differential and negative treatment of Black children compared to other students and made clear the District must act now to address the anti-Black racism in District schools.

The Resolution was introduced on January 27, 2021 and was discussed by the full Board on February 10, 2021. A revised Resolution (No. 2021-0037 – First Revision) was presented to and discussed by the full Board on February 24, 2021. The Board voted to table that item and then bring it back on March 24, 2021. The First Revision of the Resolution and a further revised Resolution (No. 2021-0037 – Second Revision) are now presented for the Board's consideration.

Fiscal Impact

This Resolution involves examining and reprioritizing existing resources and presumes new resources will be sought through local, state, federal, and private channels. The net fiscal impact will depend on the scope of work undertaken as decided by the Board under the Black Thriving Plan.

Attachment

- Resolution No. 2021-0037 - Reparations for Black Students (First Revision)
- Resolution No. 2021-0037 - Reparations for Black Students (Second Revision)

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

Resolution No. 2021-0037

Reparations for Black Students

(First Revision)

WHEREAS, the Oakland Unified School District (“OUSD” or “the District”) has a responsibility to promote the healthy development of each one of its students, which includes protecting them from systemic racism and violence to the greatest extent possible while they are at school;

WHEREAS, the OUSD Board (“Board”) adopted Board Policy 5032 (“Equity Policy”) to “interrupt patterns of institutional bias” within OUSD and defined equity as “providing students what they need to achieve at the highest possible level” in order to eliminate opportunity gaps between student demographic groups, including Black or African American students (referred collectively herein as “Black students”);

WHEREAS, the 2018-19 state measures of academic progress, including chronic absenteeism, graduation rate, suspension rate, and academic outcomes (which includes performance in English language arts/literacy and mathematics) for Black students mark the sixth consistent year of documented disproportionality of growth for Black students compared to other demographicsubgroups;

WHEREAS, the African American student subgroup is identified as a population on the California Schools Dashboard for which the District has not successfully implemented local strategies to generate student growth;

WHEREAS, pursuant to the 2020 settlement of the *Ella T. v. State of California* lawsuit in which almost a dozen OUSD elementary schools have been identified as schools with significant populations of Black students who have not achieved literacy standards by grade level;

WHEREAS, Black students represent 22% of all OUSD students but 57% of all suspended students, and the 33% of Black students with Special Education Individualized Education Plans (“IEPs”) are nine times more likely to be suspended than other students;

WHEREAS, for the 2020-21 budget adoption cycle, OUSD changed the way it allocated Local Control Funding Formula (“LCFF”) Concentration dollars through use of an “Equity Index” which

penalized schools with more than 50% Black students, causing significant strain on the school based investments available to support Black students;

WHEREAS, OUSD has struggled with the recruitment, development and retention of Black educators, a proven strategy to raise academic success of Black students;

WHEREAS, OUSD passed Resolution No. 1920-0260, entitled the “George Floyd Resolution to Eliminate the Oakland Police Department”, which calls for eliminating the Oakland Schools Police Department and redirecting resources toward student safety supports, as designated in the community driven safety plan created by the Black Organizing Project (“BOP”);

WHEREAS, OUSD seeks to ensure that Black Students are ready for College and Career;

WHEREAS, OUSD seeks to take immediate action to stop and repair the harm to Black children and families caused by decades of structural racism and also by the differential impact of COVID-19 on Black communities by creating a targeted plan to monitor and invest federal, state, county and local funds for Black Students and for Thriving Community Schools in Black communities;

WHEREAS, as a result of OUSD’s structures and practices—including over-policing, overidentification for special education services, school closures and charter co-locations in majority black schools and communities, disruptions caused by creating and dissolving new schools (both small schools and charter schools), which has also fueled the gentrification and displacement of Black communities—the District’s Black or African American student population has precipitously declined over the last twenty years from 25,540 in 2000-01 to just 8,314 in 2019-20;

WHEREAS, OUSD acknowledges that student education happens not just in traditional classrooms, but also through a wide range of services which support the whole child, and that the individualized and small group provision of academic, mental health and special education services is an integral part of how schools are used in service of students and should be included in our utilization calculations;

WHEREAS, the administrative regulations (5 CCR §§ 11969 *et seq.*) for Education Code section 47614 (“Prop. 39”) governing charter school co-locations have not been updated in more than ten years, despite the fact that charter school growth has exploded in OUSD and co-locations under Prop. 39 have resulted in the harmful displacement of Black children from classrooms into closets; and

WHEREAS, research demonstrates that providing targeted resources to specified students directly correlates to improving outcomes and narrowing the opportunity gap for those students.

NOW, THEREFORE, BE IT RESOLVED, the Board of Education (“Board”) directs the Superintendent to take all steps necessary to eliminate the Black student opportunity gap across all schools by 2025, as set forth in this Resolution;

BE IT FURTHER RESOLVED, that the Board directs the Superintendent to take the following emergency actions immediately to address the disproportionate impacts of the Covid-19 pandemic, to wit:

- (1) create an Emergency Fund for Black students and their families hardest hit by the Covid-19 pandemic, funded by available resources including raised funds, to cover the payment of back rent owed, to ensure that Black students are not displaced from their homes, negatively impacting their ability to learn, and
- (2) prioritize, in OUSD’s role as a core partner of the Oakland Undivided campaign, all OUSD Black students, regardless of socio-economic status, as a highest priority applicant for the approval, assignment and distribution of Chromebooks and functional hot spots, beginning immediately and continuing as needed, to close the Black digital divide;

BE IT FURTHER RESOLVED, the Board directs the Superintendent to establish a Black Student and Families Thriving Task Force (“Task Force”), not later than April 30, 2021, comprised of Black students, caregivers, community members, educators and members of the Black Working Group of the Justice for Oakland Students Coalition, reporting jointly to the Board of Education and Superintendent, that will guide and monitor the establishment and implementation of this Resolution, and take the following steps to develop a Black Student Thriving Plan which includes the following:

- (1) the Task Force shall develop, and the Board shall adopt not later than June 30, 2021, a set of Black Thriving Indicators (“Indicators”) that OUSD and its schools would use to set goals and measure success,
- (2) the Task Force shall examine existing District programs and initiatives targeted to engage and increase the success of Black students, families, and teachers and, where possible and appropriate, will integrate that work into the task force proposals and align both sets of work where indicated,
- (3) the Superintendent shall, as part of the proposed Literacy Initiative and Curriculum adoption, do the following:
 - (a) include members of the Task Force, to ensure a community driven process of curriculum selection which will accelerate literacy development in Black students to achieve targets to be identified by the Task Force, which targets will be met not later than November 2023,

- (b) the Task force shall review, prior to adoption, the recommendations of the Superintendent or her cabinet for the Literacy Initiative and Curriculum to determine whether the proposed changes in programming meet the needs for the literacy development of Black Students as set forth in this resolution and make recommendations as needed to identify the deficiencies to be addressed, and
 - (c) the Superintendent shall select, based on this community informed process, a culturally relevant, research-based curriculum which currently includes Black studies, or will agree to update and fund any selected materials not meeting this standard by the beginning of the 2023-24 schoolyear, in partnership with the Task Force, and the funding for these updated materials must be identified and reserved prior to the adoption and purchase of the original curriculum, and
- (4) Not later than August 1, 2021, the Taskforce shall present to the Board and Superintendent a Black Student Thriving Plan that sets criteria for the continuous monitoring of all OUSD schools with 10 or more Black or African American students enrolled (by annual census date or thereafter) to determine whether academic and socioemotional resources are effectively creating Black Student Academic Growth and Achievement, including distributions as needed from the publicly and privately raised resources included in the Black Thriving Fund, as defined below;

BE IT FURTHER RESOLVED, the Board directs the Superintendent to immediately establish a new revenue account entitled the Black Thriving Fund and OUSD, with the Task Force, will:

- (1) Develop and implement a fundraising plan to resource the Black Student Thriving Plan and other elements necessary to for implementation of this Resolution,
- (2) Code targeted resources from LCFF, Title I, Title II, Alameda County Office of Education, and other public and private sources which will be used to fund the Plan as part of the Black Thriving Fund, and will ensure that these funds are used ONLY to implement the Black Student Thriving Plan,
- (3) Discontinuing the use of the anti-Black Equity Funding Formula that disproportionately harmed schools with significant percentages of Black students, and establish in its place a “Racial Equity Funding Formula” that takes into account the needs of Black students across the district and across designations,
- (4) The Task Force will recommend how resources are invested from the Black Thriving Fund for additional learning support, both virtually (during the

pandemic)and in person when schools have been safely reopened in full, for Black Studentsand their families to receive consistent support in the areas of credit recovery, post-secondary preparation, job training, literacy and social emotional learning and further provide wrap-around services for youth and their families in the college and career matriculation process, and

- (5) The Emergency Fund established above will be included as a sub-fund of the BlackThriving Fund;

BE IT FURTHER RESOLVED, the Board acknowledges the harm caused to Black students who havebeen disproportionately impacted by the disruption caused by school closures and loss of learning space caused by charter school co-locations, and directs the Superintendent to take thefollowing actions to reduce harm:

- (1) Designate Historically Black Schools, defined as non-charter schools with a population of 30% or more of African American students in 2019-2020, as Community Schools with all available wrap-around services and supports neededto ensure that Black students thrive, and further exempt these Black Thriving Community Schools from school closures (except for health or safety emergencies) or displacement from those Community School spaces by charter school co-locations,
- (2) Propose not later than September 30, 2021 a new “Facility Utilization formula” to be used in all decision making about school facilities, including school closures andthe co-location of charter schools or District services, which will reflect the ways in which our Community schools are actually and reasonably used in service of students, and further the Superintendent will create a collaborative process for drafting and annually updating, prior to November 1st of each year, Utilization one-pagers or other documents based on the Facility Utilization formula which includes site leaders, staff, teachers, and parents or guardians along with District staff, and
- (3) Continue to advocate at the state level for changes to Prop. 39, including the revision and updating of the Administrative regulations thereto, in order to eliminate harm to Black students caused by the co-location of charter schools on District campuses which serve Black students, disrupting their education and displacing them from spaces needed for necessary academic and other services;

BE IT FURTHER RESOLVED, the Board directs the following additional steps to be taken to implement this Resolution:

- (1) The Superintendent, in consultation with the Community Advisory Committee for Special Education (“CAC”) and local disability advocacy and disability justice organizations:
 - (a) set goals that are supportive of the needs of Black students with dis/abilities and that value the dis/ability experiences of Black students and their families, especially those with the most intensive needs, and
 - (b) contract with a community-based organization, in partnership with the Regional Center of the East Bay, to provide professional advocacy services and training to families and caregivers of Black children with IEPs to ensure Black students with dis/abilities thrive in OUSD,
- (2) The Board shall adopt and include the legislative priorities created by the CAC and submitted to the Board in January 2021,
- (3) The Superintendent shall continue to implement the terms of the George Floyd Resolution to end anti-Black discriminatory discipline practices and reinvest in restorative practices and other alternatives to suspensions, in accordance with the community-derived BOP’s People’s Plan, and in alignment with this Resolution,
- (4) The Board and the Superintendent shall advocate for and participate in the development of a citywide “birth to kinder” plan to increase, stabilize, and sustain the access of Black students and families to early education including resources and services that support early family engagement and training for Black parents and guardians, and
- (5) The Superintendent shall establish a workforce development initiative by August 1, 2021 that increases the cultural competence of all Board members, administrators, educators, staff, and school communities by providing regular training on anti-Black racism, Black healing-centered practices and how to embed Black studies in all classrooms in order to increase the skill and knowledge of the district to ensure that Black Students are thriving;

BE IT FURTHER RESOLVED, the Board directs the Superintendent to create a publicly-available transparency dashboard which monitors the Black Thriving Fund expenditures as well as the progress of each site’s planning, implementation, and success with the Black Student Thriving Plan, and will further provide the Board with a quarterly update on the progress of Black Students in OUSD;

BE IT FURTHER RESOLVED, the Board directs the Superintendent to include the Black Student Thriving Plan within the 2021-2023 Strategic Plan to increase and maintain the necessary mandated infrastructures and resources to develop the engagement, leadership, and decision making power of Black students, Black families, and communities. These infrastructures and

resources will ensure ongoing engagement in District wide and school site strategies to improve the academic and socio-emotional development of Black Students and to achieve annual targeted growth within the California School Dashboard or equivalent monitoring tools for LocalControl Funding Formula; and

BE IT FURTHER RESOLVED, the Board directs the Superintendent to include in the 2021-2023 Strategic Plan the creation of a recruitment and retention plan for Black teachers and Black school leaders that meaningfully develops their capacity through implementation of competitive salaries and benefits, professional training, coaching and mentorship, and opportunities for growth.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this ____ day of _____, 2021, 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 a Regular Meeting of the Board of Education of the Oakland Unified School District held on _____, 2021.

Legislative File	
File ID Number:	21-0194
Introduction Date:	1/27/2020
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Enactment Date:	
By:	

OAKLAND UNIFIED SCHOOL DISTRICT

Shanthy Gonzales
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

**RESOLUTION
NO. 2021-0037
SECOND
VERSION
(OMITTED)**