

Oakland Unified School District

Board of Education
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Minutes (Long)

Wednesday, April 20, 2011

6:00 PM

Special Meeting

**Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA
94606-2212**

Board of Education

President Gary Yee, Ed.D.

Vice President Jody London

***Directors: Jumoke Hinton Hodge, David Kakishiba, Noel Gallo, Christopher Dobbins,
Alice Spearman***

Student Directors: Nikita Mitchell and Lashae Robinson

Staff: Edgar Rakestraw, Jr., Secretary, Board of Education

A. Call To Order

Acting President Noel Gallo called the meeting to order at 6:04 P.M.

B. Roll Call

Roll Call: Present: David Kakishiba, Jumoke Hodge, Noel Gallo and Alice Spearman
Absent: Lashae Robinson, Nikita Mitchell, Christopher Dobbins, Jody London and Gary Yee

C. New Business

None

Public Hearing



11-0739 Aspire Public Schools - College Academy - Petition and Proposed Charter

Public Hearing - Aspire Public Schools - College Academy - Petition and Proposed Charter.

Attachments: [Document\(s\)](#)
[11-0739 - Aspire - College Academy - Petition and Proposed Charter.pdf](#)
[11-0739 - Public Hearing - Presentation - Aspire Public Schools - College Academy - Petition and Proposed Charter.pptx](#)

Acting President Gallo opened the Public Hearing at 6:05 P.M.

Tatiana Epanchin-Troyan, Superintendent of Aspire Public Schools, and Tina Hernandez, Principal-Designate, College Academy, represented the petitioners.

Ms. Epanchin said the vision of Aspire College Academy is to provide a place of learning, to get students ready K-12 to be successful in getting into college and getting through college by providing a safe place, and making sure each of their students get everything needed to be successful at each level. The priority is college for certain. Ms. Epanchin said the school will serve students K-5 and serve approximately 295 students when it reaches capacity. Families voted on a K-5 to have a platform to build a strong culture. The school will open with two grades--K-3 and 4-5--then grow those out over the course of the three-year period. The location of the school will be at the current Millsmont Secondary Academy. They plan to target kids from all of Oakland, especially those kids who have been historically underserved.

Ms. Epanchin said their educational program at Aspire will be replicated at Aspire College Academy, striving to have a smaller school and smaller class sizes, longer school day, longer school year, and block scheduling, when necessary to promote longer sections of

time to learn, including professional development every week for teachers and to have looping so that kids have the same teachers for two years.

Ms. Epanchin said their founding group includes families and people who work at Aspire. They have 20 families who have helped get this off the ground and other families who have given input and spent many hours getting the word out and making decisions about what should be included in the hiring.

Ms. Epanchin said Aspire has continued to exceed the growth target for the API where the state target is 13 points. Aspire's average growth in 2009-10 was 22 points. The similar school ranking for Aspire averaged 9.5 out of 10 in 2009 and they do not anticipate that this school will be much different once it has been established. Their API growth continues to be on the rise. Their average API is 824.

Ms. Epanchin said satisfaction is very high and given an A or B by families. Ms. Epanchin said they have been open for 12 years and continually had their audits ranked as clean. They have a sound fiscal plan for the school.

Public Comments on this Item:

Jim Mordecai asked the Board to reject this charter. He said this will be the seventh school from the organization if the petition is approved by the Board. The analysis from the Charter School Office has never mentioned any real estate interest. For full disclosure, there should be an indication. Mr. Mordecai asked about the amount of money that charters receive in start-up funds. He asked if it was part of the plan to constantly have new charter schools start up in order to be able to borrow money and leverage that money for their own self-interest? Mr. Mordecai said the college scores for Aspire were not outstanding.

Ester Figueroa, parent, spoke in support of the charter petition. She said their kids need a good education to move on to college.

Anabel Toledo, through a translator, spoke in support of the charter petition. She has two children who are current students of Aspire and hopes to enroll a younger daughter into the fourth grade class at Aspire College Academy.

Joelina Lucero, through a translator, spoke in support of the charter petition. She said she hopes to enroll her son into Aspire College Academy. Aspire Schools were highly recommended by friends.

Vanisha Sapp, parent, Reems Academy, spoke in support of the charter petition. She said her daughter has a history in private and charter school education. As a parent, she wishes to show her support to the Aspire staff.

Gloria Sapp spoke in support of the charter petition. She said she is a volunteer at Monarch Academy and has seen kids learn how to cooperate and accept each other, be responsible, show empathy, and exhibit self-control.

Ben Visnick, parent, said Montera Middle School has been named a California Distinguished School and he questioned the need to have Aspire which currently has 2,000

students. He asked the Board to look at the unintended consequences of approving another charter school. He said we should be working in the District to ensure every Oakland Public School offers the same quality education that we see at Redwood Heights and Montera Middle School. He asked the Board to reject the seventh Aspire Charter School.

Acting President Gallo closed the Public Hearing at 6:26 P.M.

Hearing Held and Closed

Roll Call (Secretary's Observation)

Director Christopher Dobbins present at 6:25 P.M. (Aspire Public School Charter Petition Hearing in progress.)

Roll Call: Present: David Kakishiba, Jumoke Hodge, Noel Gallo, Christopher Dobbins and Alice Spearman

Absent: Lashae Robinson, Nikita Mitchell, Jody London and Gary Yee

Other Recommendation(s)



11-0925

Amendment - Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff - 2011 - 2012 School Year

Approval by the Board of Education of Resolution No. 1011-0142A - Amendment - Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff, based upon the needs of the District for the 2011-2012 school year, pursuant to Education Code Sections 44944 and 44955.

Attachments: [Document\(s\)](#)
[11-0925 - Amendment - Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff - 2011 - 2012 School Year.pdf](#)

Vernon Hal, Deputy Superintendent, Business & Operations, said the Resolution proposes to reduce/eliminate particular kinds of service for Certificated employees for the 2011-12 fiscal year. The Resolution, as amended, reduces the number previously recommended for layoff from approximately 530 FTEs to approximately 93 FTEs, a reduction of 437 FTEs.

Mr. Hal said an Early Retirement Program was offered and the results were not known on March 15. We now have that information and staff is presenting a revised Resolution. Our assumption was about a \$12.6 million reduction in revenue from the State. We have subsequently heard that it could go as high as \$844 per ADA which would change the number we would not get from \$12 million to \$30 million since there is an additional reduction in revenue possibly of about \$18 million. Mr. Hal stated we did not know whether we would be required to suspend the whole budgeting process and use staffing formulas at contract maximum. New information about the \$18 million resulted in a decision to not have to go back in and change what schools have done as far as their staffing, but fund the difference using one-time dollars for next year by using our reserves, other one-time monies, and keeping the schools from having to go to another budget cycle; and if this does continue, to make more thoughtful ongoing cuts to the budget. Mr. Hal said now that we know the information about what the schools have done in terms of their staffing, what the

results are from early retirements, and some other information that we have gotten to0, we are now down from 530 FTEs to 93 FTEs.

Barbara Gee, Executive Director, Human Resources, reviewed the process of how we got from the 520 down to the 95 FTEs: On March 15 the results of RBB, as well as the early retirement numbers were unknown. Since then, we have had those numbers. Our analysis included elementary and secondary schools. We first looked at positions, then known separations, and that gave us an estimate for the number of seats that we could fill. Then we looked at total inflows of people we would have to accommodate. We did the elementary analysis first and we looked at the net reduction coming out of RBB of elementary teaching positions. We then knew exactly how many early retirees we had out of the elementary system. We also knew the temporary contracts that we had in elementary. We also knew the non re-elects for probationary teachers. We also knew which teachers were not in compliance with the EL [credentialing]. We had given teachers multiple years to get in compliance so the few that are remaining we decided we would lay off. Then we had known separations as well as leaves which is a very small handful. Then we looked at the kinds of inflows of people that needed to be placed into the schools. That then told us our net need for teachers or our net need to lay off teachers. Those people coming in were from a variety of sources. We had central TSAs in Central Office that may need to go back to the classroom. We had site based TSA reductions that came out of RBB and we had site-based TSAs which we assumed would also go back into the classroom, as well as Special Education TSAs. In all of those categories, we actually made the most conservative assumption possible. Lastly, we looked at everyone on leave and we made the most conservative assumption possible which is everyone on leave comes back and no one goes out on leave. That is how we arrived at the numbers for elementary.

Ms. Gee said we went through a similar process with middle and high schools, although it was more complex because we had to look at those positions, then the people inflow and outflow on a subject-by-subject basis.

Ms. Gee stated elementary netted out to be no reductions in positions. When we originally did the elementary, we had some need, but it was so small that, given our conservative assumptions, and not taking into account attrition, which we have some historical numbers on, we felt we would have plenty of spaces to put the people that needed to be placed, and we did not wish to disrupt schools to incur any kind of bumping across schools of teachers. We tried to keep the school communities intact.

Director Spearman said according to the [teachers] contract, there have to be so many counselors per student. How could we eliminate five counselors? One school has eliminated all counselors from their site.

Ms. Gee said the counseling ratio is 700:1. The District is required to have 20 counselors. She said Deputy Superintendent Hal worked with Deputy Superintendent Santos and they are using Central monies to fund the seven counseling positions that we were down after budgeting and we are up at the ratio that we are legally responsible to maintain.

Director Spearman said if we had centralized positions, then it would not be on the principals to decide who to keep. She said we need to consider the return of position control back to Central Administration. The responsibility should not be at school sites.

Director Spearman said her second question concerned the loss of 4 teachers at Community Day Middle School.

Ms. Gee said the Community Day reductions reflect a reduction in program and does not necessarily reflect that four teachers will be released. Of the four teachers currently teaching in Community Day at Barack Obama, one is retiring. The other three will be placed in other locations.

Director Spearman asked how the four teachers are going to be replaced?

Ms. Gee stated the program at Barack Obama has been consolidated and reintegrated into the Community Day School and that program will require certification of the Seneca Integrated Mental Health Program. There will be a program under the leadership of the principal at Community Day and physically housed at the current Barack Obama Academy.

Director Spearman said it seems we have decided to put in a mental health model on the facility. She said Seneca is a new model that is coming into the middle school. She was unaware that Community Day was a Seneca Integrated Mental Health facility.

Ms. Gee said the programmatic direction received from the Regional Officer indicated there has been a very successful Seneca model program that is doing a very good job for the kids at Community Day. The principal has shown great leadership and our idea was to extend the spectrum of offerings at the school to support the kids that are currently being served by Barack Obama.

Director Spearman asked if the teachers at Community Day in the 9-12 are specially trained in the Seneca Integrated Model? Ms. Gee said they are.

Director Spearman asked if we are paying for the training for the new teachers? How are they going to be trained? Are they going to be hired by the District or by Seneca? Ms. Gee said they are going to be hired by the District and will be required to complete Seneca training.

Director Spearman said she was very concerned about the conversion of the Community Day School to a mental health facility. She said the service provider at Barack Obama was trying to convert it into a mental health facility and we have more children who need support, not special education. Are we going to send them to a mental health facility? She said we are setting a dangerous precedent by stating in a resolution that they are required to have Seneca training because the training brings a particular mindset with the teachers and in turn, turns the part into a therapeutic community.

Director Kakishiba stated in order to maintain our contractual obligations on counselors, there is going to be a backfilling from Central resource. The resolution is based on RBB allocation to school sites and results of the early retirement program. It was clear to him at the work session held on April 6 that the majority of the Board wished to reduce the number of March 15 letters which coincided with the Board's priority of teacher retention. The use of reserves primarily would be used to fill in what we expect is the 825-850 reduction per student by the State. There were a couple of items that were expenditures that would be ongoing: expenditures of 2% increase for all employees, and using \$3 million of flexed Adult Education monies for high school education. Director Kakishiba

asked if the resolution is based on the flexed \$3 million adult education. Mr. Hal stated the reduction of 5 does get it to 20.

Director Kakishiba said the Board did not vote on using \$3 million of Adult Education into the high school program. The Board has not seen a full budget proposal for the use of the \$3 million. This essentially locks us in so that at least a part of the \$3 million will be used. He asked about the way we will spend the \$3 million at the high school level. Using \$3 million for counselors, would, in his opinion, be supplanting. School teachers and principals have talked about taking money from Central and sticking it into their schools. We say NO, but we are not fully clear about it because we have not seen a budget detail. Mr. Hal was asked about consequences if the Board does not approve using \$3 million of adult education funds in high school education?

Mr. Hal said he would work with the High School Office and the Deputy Superintendent for Instruction to find other resources to fund the positions.

Director Kakishiba said there are no program site staff at tonight's meeting. His sense is that creating a therapeutic community for an entire school program is very different than that which the teaching staff gets trained in a particular model and are certified for a particular model.

Director Hodge said the information indicates they are being trained in a particular model. The information does not say we are changing to a different kind of facility.

Director Spearman said her fear is that these are folks that might come through a mental health profession and come in with a different head set than what we have in education. This could be a real danger especially considering what she saw developing over the last year at Barack Obama because there was a big struggle between the mental health provider and the District as to focus of the school which was not academic achievement.

Director Kakishiba said he would not jump to the conclusion that because teachers are getting trained in the Seneca model necessarily means that we have created a therapeutic community school.

Director Spearman said the way the language is set up is that we are allowing the authority for it to happen and there is no stop gaps for it not to happen.

Director Hodge asked if the one-time dollars are Adult Education dollars or Federal Jobs dollars?

Mr. Hal said we are talking about Adult Education one-time dollars which are more than one time. There are about 3-4 years to those dollars in terms of their flexibility.

Director Hodge asked if any consideration has been given to using one-time dollars for classified positions.

Mr. Hal said we have not had that discussion yet. We are starting to look at the classified side in terms of layoffs, in particular the number of SSOs. As we go down that path, we will have to make recommendations for staffing and funding.

Director Hodge asked if the \$3 million solely covers counselors?

Mr. Hal said recommendations included Family Literacy, High School A-G, and Counseling and they were requested to develop a budget that shows the use of the \$3 million.

Director Hodge asked if that information was presented in the best case scenarios and has the Board looked at assumptions and projections that support this particular document? Mr. Hal said they have.

Ms. Gee said when we talk about the one-time dollars, people have interpreted that to mean we are using one-time dollars to save teaching jobs. The one-time dollar scenario was the proposal given by Mr. Hal at the Board budget session to show how we would handle a change from \$349 ADA to \$845. The intention was that we looked at a scenario that would enable us to financially navigate through an \$845 cut which would affect everybody. It helped us avoid having to go back and rebudget at \$845 and incur more cuts.

Director Hodge said there has been the consistent conversation and issue raised around temporary teachers that were promised to become regular teachers and that has not happened. A West Oakland school is looking at losing a very highly qualified temporary teacher, but keeping on board an intern or two that do not have credentialing. She asked if there is conversation about going back and looking at the situation of temporary teachers in our schools where children have been underserved for awhile?

Ms. Gee said she knows of two instances where temporaries have alleged that they were promised. We did investigate thoroughly and have been in touch with the two individuals and the principals. It is not possible at the moment to do conversions to probationary. If we were to do that we would box ourselves in a corner because they were not noticed. We have decided to not convert, but see what we can do to get temporaries back into their locations. There are 101 temporary contracts out there. One of the reasons we are moving the rescissions along is because we will then be entering into a priority placement process with consolidated teachers and the call back of temporary rehires. We are in discussion with OEA on how we might do that so that we can preserve sites with the best teachers. We are talking about the placement site of the process. There is a priority placement process that is in the contract and how it relates to how we get temps back.

Troy Christmas, Director of Labor Relations, said we have a process whereby people who are consolidated from a site move to other sites. Normally, we have vacancies that they are moving into. This year the vacancies that they may be moving into might be positions that are currently held by temporary teachers. Because we want to keep many of the temporary teachers, we need to talk to OEA about how we institute that process and at the same time protect temporary teachers.

Director Hodge asked if the discussion has a time frame? Mr. Christmas said the contract provides that we can do the consolidations until the middle of June, but employees are supposed to know their assignments by the first Friday in June and to the extent that we want to know of additional resignations or separations from the District so that we can tell temporary teachers that they will be able to stay, the more time we have to do that, the more temporary teachers we will be able to keep, and the less disruption for sites. We need to manage the consolidation process with OEA to make that happen.

Director Dobbins stated he did not realize Community Day School teachers were Barack Obama teachers. Would the middle school program at Community Day as currently structured at the Chabot Science Center move to Barack Obama?

Ms. Gee said it is her understanding that the program as it exists today is not going to exist in the same form. There will be a program that will be reconstituted under the leadership of the Community Day School and it will add to the spectrum of offerings that they have there.

Director Dobbins said students can choose to attend Barack Obama, whereas students are sent to Community Day School.

Public Comment on this Item:

Ben Visnick, parent and History teacher, said the District is laying off 93 people, terminated 20 positions and there are 150 retirements and 101 temps. He stated there are 364 reductions because the District has not replaced the 20 terminated teachers at this time and the District has not replaced the 150 retirements or the 101 temps. He asked if the 12 Non-EL teachers get their CLAD, will the District rehire them? Mr. Visnick said he is assuming the three core teachers in sixth grade is English and social studies and not science and math. Mr. Visnick said there are 7 counselors being laid off, not 5. The adult education language says there are two adult education counselors who have the pupil personnel credential, and the District is reducing counseling by 7, not 5. The District has a principal at Skyline using RBB to wipe out the counseling program at Skyline, whereas the other comprehensive high schools are maintaining counseling. He said the District cannot lay off counselors and then bring non-OEA bargaining unit members in to do the work. He said a grievance has been filed by OEA to address that issue.

Jim Mordecai stated he heard that peer counseling is being affected which violates the Education Code. The Code requires a counselor who is fully credentialed that is part of some type of peer tutoring. Mr. Mordecai said the cuts are terrible. The District needs more money and he asked Board Members to reach out to the unions and ask them to put an initiative on the ballot that closes the budget gap.

Director Spearman said we are just talking about Certificated employees and not Classified employees. She requested the Teaching and Learning Committee to look at the Seneca Program to ensure that we are not codifying ourselves into a therapeutic community. She said they used a Seneca model at Community Day 9-12. Are we creating a different model here on the middle school campus?

Director Dobbins said he shared the concerns about the Community Day School issue as well. He asked what is the imperative about doing this tonight?

General Counsel Minor said statutorily, any teacher who has been given a layoff notice can request a hearing. Because of the large number of hearings coming from school districts, OAH has had a rigid schedule set up. She said our hearings are set to begin April 25. We have no flexibility to change that. The three days set aside for Oakland are April 25, 26, and 27. Without direction coming from the Board tonight, the legal process is going to move forward and it is not going to be encumbered. We need direction from the Board as

to how to proceed with the hearings that will start Monday morning. She said the full process is that Marion McWilliams will represent the District at the hearings. All of our teachers largely are being represented by counsel for CTA. At the end of the process, we will get an advisory opinion from the Hearing Officer which will be brought back to the Board for final approval. The schedule calls for the advisory opinion by May 7 with the expectation that it will be presented to the Board on May 11 which is the last time the Board has to act before final notice goes out on May 15.

Director Kakishiba stated it is important for the public to be aware that by the Board's action tonight, if it is approved, we are not issuing layoff notices to 300+ Certificated staff. On the issue of counselors, the contract maximum is being protected and it is all within the context of the contractual agreement with OEA. He said he has a concern about using adult education flex to achieve that purpose, although that is a different conversation for a different meeting. He wanted to clarify that we are not making things worse and in fact we are making things better for schools.

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

- Votes: Adv Aye: 0
- Adv Nay: 0
- Adv Abstain: 0
- Aye: 5 - David Kakishiba, Jumoke Hinton Hodge, Noel Gallo, Christopher Dobbins and Alice Spearman
- Nay: 0
- Recused: 0
- Absent: 3 - Lashae Robinson, Nikita Mitchell, Jody London and Gary Yee
- Preferential Aye: 0
- Preferential Abstention: 0
- Preferential Nay: 0

D. Adjournment

Acting President Gallo adjourned the meeting at 7:22 P.M.

Prepared By: _____

Approved By: _____