

Oakland Unified School District

Board of Education
Paul Robeson Building
1025 2nd Avenue, Suite 320
Oakland, CA 94606-2212
(510) 879-8199 Voice
(510) 879-8000 Fax



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Minutes (Long)

Tuesday, April 20, 2010

8:30 AM

Special Meeting

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

Rules and Ethics Committee

**Gary Yee, Chairperson
Jody London, Member
David Kakishiba, Member**

A. Call To Order

Chairperson Gary Yee called the meeting to order at 8:55 A.M.

B. Roll Call

Roll Call: Present: David Kakishiba and Gary Yee
Absent: Jody London

C. Modification(s) to Agenda

None

D. Adoption of Committee Minutes



[10-0439](#) Minutes - Rules and Ethics Committee - March 3, 2010

Approval by Rules and Ethics Committee of Its Minutes of March 3, 2010.

Attachments: [10-0439 - Minutes - Rules and Ethics Committee - March 3, 2010](#)

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

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - David Kakishiba and Gary Yee
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

E. Adoption of Committee General Consent Report

None

F. Unfinished Business

**10-0285****Review - Board Bylaws and Coherent Governance Policies**

Continuing review of Board By-laws and Coherent Governance Policies.

Attachments: [Board of Education By-laws](#)
[Coherent Governance Policies](#)
[10-0285 - Comparison of Board By-laws, Coherent Governance, Operational Expectations and Policy Results.pdf](#)

Chairperson Yee said the Committee discussed reviewing the 9000 series of the Board Bylaws which are on the District's web page. He agreed at that time to look at potential alignment of our Board By-laws and Coherent Governance Policies which were adopted approximately two years ago.

General Counsel Minor put together a document entitled Comparison of Board By-laws, Coherence Governance Operational Expectations, and Policy Results. The document outlines Board Bylaws sequentially and the Coherent Governance standards as they apply. Chairperson Yee introduced a document entitled Board By-Laws and Coherence Governance which details relationship of the Board By-Laws to Coherence Governance. The Board/Superintendent of Schools Relationship (B/CR) and Governance Culture, and Operational Expectations are embedded in our By-laws in various ways.

Chairperson Yee said the Operational Expectations are cross referenced, not to our Board By-laws, but to the other elements of the Board policies from 1000 to 7000. The 1000 series refers to community relations, including volunteer assistance, foundations, complaints, community relations, etc. The 2000 series refers to administration. The 3000 series refers to business operations; 4000 refers to personnel; 5000 refers to students; 6000 refers to instruction; and 7000 refers to facilities.

Secretary Rakestraw said the Board Policies were a transfer by the State Administrator format and were based on a CSBA model. The District previously had a series of policies called Administrative Bulletins. They were very much outdated. At the time of State Administration, State Administrator Randy Ward made a decision to switch to the CSBA format and adopted the CSBA policy model sample bylaws as policy of the District and have that as ongoing. The Board, since it regained control, has inherited both the CSBA model policies, as well as the Board's own adoption of its Coherent Governance.

Chairperson Yee said Board Members may need to be refreshed as to what is in the Board Policies Series 1000 - 7000 and their connection to our Coherent Governance Operational Expectations.

Secretary Rakestraw stated Board By-laws provides for the review of policies to be assigned to various committees. He recommended the standing committees start to review the By-laws and the Coherent Governance rules.

General Counsel Minor said the Board By-laws are in good shape and over time the Board has done an effective job with that. In the fall, we modified one of the by-laws and those changes are all reflected. The Board's by-laws enable the Board to function very effectively. Where things broke down a bit for her, was the overlay of Coherent Governance, Board Coherent Governance, Operational Expectations, and Policy Results

on top of the Bylaws. During this period where the Board was an independent authority with full control, under State Administration, and back in control again, there is a policy decision that the Board may wish to make, i.e., does the Board wish to continue to function with the various tiers of both work rules for the Board and policy statements for the Board? There are no inherent conflicts as such. If the Board decides to invest time in this, what is the goal that the Board wishes to achieve? Given all the things that are on the Board's plate, does the Board wish to prioritize this vis-à-vis other things? General Counsel Minor said the Board has two other huge bodies of documents out there--the Board Policies and the Administrative Regulations. Generally, the Administrative Regulations have been left up to staff to modify and bring to the Board of Education as necessary. The Board Policies are the Board's guidance to the organization. Most of them have a date of August 2004 when there was a wholesale adoption of the CSBA model policies by the State Administration. General Counsel Minor said she had no sense whether that was an informed decision or just the implementation of a direction from FCMAT. She said a number of the policies need to be updated in significant ways. She would like to tackle the whole area of contracting and the inconsistency that we have in managing that in the District. Legal can own some of that, but a lot of that is the responsibility of the Superintendent's staff, and without direction from the Board, that there is any focus on that by the Superintendent.

Chairperson Yee said a few years ago with the change-over from Mayorial- appointed Board Members, we have become more familiar with the Board By-Laws. When we started reviewing the Board Policies, the policies seem very general and they may need to be more relevant to the overall policies that this Board wishes to adopt to give the Superintendent and community a clear guidance as to the intent. A few years ago, the District starting using resolutions in place of full Board Policy development. Secretary Rakestraw assured him that staff knows how to make the connections as related to revision of Board policy, but whether the Board is aware of the implications of some of its proposed resolutions is somewhat worrisome to him.

General Counsel Minor said Chairperson Yee's concern about a resolution is the liveability of it and if the resolution is captured in such a way that it is clear that it is a policy pronouncement. Unless something is created that is comparable to a Board Policy where it is codified and becomes part of the Board's pronouncement and is on the web site and is available very quickly, the intent and purpose of the Board resolution is lost.

Chairperson Yee said Director Kakishiba had requested a review of our relationship with the Joint Ventures JPA. Where is that relationship and the policy direction towards those relationships available for people to search out in terms of board policy around the cost effectiveness and cost benefit? He said there is a section under 1000 which deals with relations between other governmental relations. Is that particular policy related to legislative matter that Director Kakishiba was raising or is it somewhere else? General Counsel Minor said that policy is very general and is not helpful. The relationship of the District with the JPA ends up being set forth in the JPA agreement. The starting place for the request of Director Kakishiba is the terms and conditions of the underlying agreement with the JPA. Chairperson Yee said all of what Ms. Minor is saying should have a trail back to Board Policy in terms of a Board Member's right and responsibility to request that ; or does it become administrative behavior as opposed to Board Policy behavior. Secondly, an item surfaced in Teaching and Learning Committee relating to the Career Technical Education Advisory (CTEA) Committee which has some connection to a Board

Policy as to the establishment of committees, obtaining a quorum at meetings, appointment of the members, having more community members versus staff members. There should be some reference in our policies.

Secretary Rakestraw said, in the CTEA instance, there is a reference to Board establishment of advisory committees. It is the Board's policy to establish the committee and the terms and conditions under which we receive certain grants from State and Federal agencies. Also, at times the Board is required to establish advisory committees--CTEA is one of those entities. In order for us to get certain facility monies, we also need to get a CTEA committee. The issue raised by Director Kakishiba is about the relationship with the JPA. That relationship is governed by that JPA, and Director Kakishiba, as a member of the legislative body, has a right to propose legislation and ask for a review of the relationship to see whether or not it is working effectively in concert with the purpose for which the JPA was established. At some point, the Board needs to take a look at that to see whether or not it is working as the Board intended. Director Kakishiba can raise that issue from an oversight perspective.

Chairperson Yee said he would like to move forward with a review process. The Work Plan for every Board Committee should include a review of the Board Policies that are related to that committee. He also needs to confer with Director Kakishiba about the Operational Expectation (OE) related to those particular board policies. We have OEs which directly relate to each section of the Board Policies (BPs). Do we need to refer to the OEs in our BPs themselves? Do we need to have a BP which states that the review of the effectiveness of the BP or implementation of the BP is connected to the OEs. If we did something like that, then we could fold Coherence Governance back into overall BPs and not have it stand alone.

Director Kakishiba said we are looking at the policies from a linear fashion. Coherence Governance is a interdependent system that allows for a systematic way of managing the performance of the Superintendent. The current policies, while the substance is stated in all the various policies, there is no system to monitor progress or lack of progress, or compliance to the policies. That is what the Coherence Governance framework provides. There is 100 percent overlap between the two quadrants of Governance Culture and Board-Superintendent relations. OEs could be embedded in the list as provided in 1000-2000 etc series. The operative thing for OEs is that he does not know how many are included here and it could be a lot.

Chairperson Yee said he is trying to find a way to link up the two policies. Maybe the OEs only has to do with the Board-Superintendent relationship. Maybe the Board Policies have to do with the relationship with the rest of the District. The administrative regulations establish the marching orders for staff in general.

Director Kakishiba stated since Board Governance Culture and Board-Superintendent relations are already embedded in our current bylaws, it seems like the whole section on OEs could be included in the 9000 series. Chairperson Yee said that would make it relating to the Board-Superintendent relationship, including evaluation and work plan for the Board and the Superintendent. Director Kakishiba said that is missing in the Board's 9000 series. We have a Board Work Plan in Coherent Governance and there is no such thing in the Board Policies.

Chairperson Yee asked the Secretary and General Minor if we could work something into the 9000 series relating to the Work Plan and tie it to the Self-Evaluations of the Board and Superintendent. Secretary Rakestraw said we have to work to integrate the various aspects of policy so that it works effectively for the Board.

Director Kakishiba said he would be willing to propose something that would embed the Coherence Governance policies in a simple, meaningful way. Assuming that we are still on the performance management track, there could be a Special Board Meeting during the summer to review all the OEs. If we are going to integrate it into our Board Bylaws, he would suggest that we minimize the OEs. Chairperson Yee asked for a status report in two weeks.

General Counsel Minor requested clarification. Chairperson Yee said we are talking about incorporating the 9000 series of the Board Policies. He said the OEs could fit in if we had a separate by-law that relates to Board-Superintendent relations that describe the parallel development of Board and Committee Work Plans and the evaluations of both.

Chairperson Yee said he looked at seven items that came out of reading the Board Bylaws. He requested clarification on payment to Board Members when absent from Board Meetings. Secretary Rakestraw stated State Law provides the criteria for payment of Board Members when they are absent. There are two absences allowed for sickness per year. We are supposed to dock Board Members' pay for absence due to non-district business thereafter. Because we have standing committees, he has not brought it to the Board leadership's attention because most Board Members, if they miss a Board Meeting, they attend Committee Meetings. Committee Meetings are not considered in the statute. Chairperson Yee said beyond the two absences, the language provides we can excuse, by resolution, based upon absence for illness. Secretary Rakestraw noted there are limitations based on the State statute as to how many absences a board member receives per year, even with a resolution. He and General Counsel will research the issue. General Counsel Minor said she would like to review the CSBA model.

Chairperson Yee asked about public input on the agenda. One of our public members often raises the issue that he would like an item placed on the agenda. Usually, we do not do that. He does not know if this is covered under the agenda review process or if we are required to place an item on the agenda.

General Counsel Minor said our process is spelled out in our Board Policy and is consistent with the requirements of the Education Code. School districts, unlike other governing bodies, do have this obligation to calendar under some circumstances requests that come from members of the public. There is a regulatory and statutory scheme that governs it, in part to protect the Board from the agenda being hijacked by members of the public demanding the calendaring of certain items. The current board policy is consistent with the law. Secretary Rakestraw said the public has a right to introduce a matter; how it gets handled thereafter is pursuant to the law and the policy that the Board has in effect.

Chairperson Yee said there are four Results policies. He said R-4 is very similar to R-1 because it talks about life and workplace skills. He would propose that we find a way to revise our policies to stick to three Results Policies. Director Kakishiba said we are going to do that in our Strategic Planning workshops. Chairperson Yee said at some point, we need to impress upon the Public Information staff to articulate the Results policy.

Chairperson Yee commented on the Board's Self Evaluation and we need to get started on that process.

Chairperson Yee noted a By-Law related to recruitment of perspective Board Members. Director Kakishiba said the Board could co-host orientation workshops for potential candidates with the League of Women Voters.

General Counsel Minor said as we move back into local control, there is the budget for the Board. The current policy provides for the Board President or his designee in conjunction with the Chair of the Board's Finance Committee to develop an annual budget for the Board Office. She said there is a need to reinstitute the practice that you wish to have. Secretary Rakestraw said he is working on the budget for the Board Office which he will share with Chairperson Yee. The reason that it was put into the Board Bylaws was that the Board wishes to be transparent to the public as to its operating expenses on a year-to-year basis. It is supposed to go through Finance Committee for hearing during the budget development process for the entire district. We will put forth our proposals and he will first confer with the President of the Board, then to the Finance Committee.

Discussed

G. New Business

None

H. Public Comment on All Non-Agenda Items With the Subject Matter Jurisdiction of Committee

None

I. Introduction of New Business

There was consensus for the committee to meet on the first Tuesday of each month at 8:30 A.M.

J. Adjournment

Chairperson Yee adjourned the meeting at 9:41 A.M.

Prepared By: _____

Approved By: _____