

Board Office Use: Legislative File Info.	
File ID Number	12-2556
Introduction Date	9-27-12
Enactment Number	<u>                    </u>
Enactment Date	<u>                    </u>



**LABOR MANAGEMENT & EMPLOYEE RELATIONS**

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**To:** Board of Education

**From:** Jacqueline Minor, General Counsel, Troy Christmas, Director, LMER <sup>LMC</sup>

**Meeting Date:** September 27, 2012

**Subject:** **“Sunshining” of the District’s Initial Proposals to Oakland Education Association (OEA)**

**Action Requested:** Conduct a Public Hearing on the District’s initial proposals (attached) for a full Successor Agreement, effective July 1, 2012 with OEA.

**Summary:** Pursuant to Section 3547 of the Educational Employment Relations Act, before representatives of the District and OEA may begin negotiations for a new Agreement; the parties are required to present their initial proposals for public review and comments (“sunshining”) the proposals.

**Fiscal Impact:** Any tentative agreement will be within the District’s financial ability to cover to anticipated costs.

**Recommendation:** Conduct a Public Hearing on the District’s initial proposals (attached) for a full Successor Agreement, effective July 1, 2012 with OEA.

**Attachments:** District’s Initial Proposals

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## Oakland Unified School District "Sunshining" of Articles for Negotiation of Successor Contract with the Oakland Education Association (September 27, 2012)

<u>Article</u>	<u>Modification</u>
<b>1.1.3</b>	<b>General Provisions</b> - Add – "Except as required by State or Federal Law," before "The Employer" - Delete – Last sentence
<b>1.1.4</b>	- Clarify that discriminatory refers to discrimination as defined in Section 4.1.1
<b>1.3.1</b>	- Revise dates for new term of agreement
<b>3.1.14</b>	<b>Definitions</b> - Add – definitions for Regional Executive Officer and Network Executive Officer
<b>4.1.3</b>	<b>Non-Discrimination</b> - Delete
<b>6.1.3</b>	<b>Association Rights</b> - Add – "School Site " Administration
<b>6.1.5</b>	- Replace – "forwarded" with "made available"
<b>6.1.6</b>	- Replace – "provide" with "make available"
<b>6.1.9</b>	- Replace – existing language should be replaced to reflect self-service electronic availability
<b>6.1.12</b>	- Replace – "organization" with "meetings or activities"
<b>7.2.2</b>	- Delete – "problems and"
<b>7.2.2.5</b>	- Delete or define "Site-Based Decision-Making Team"

- 7.2.5.5 - Clarify responsibility for distribution of FC minutes as that of FC chair with support of Principal
  
- 8.1.3 **Affirmative Action**
  - Revise consistent with current applicable law and HR record-keeping practice
  
- 10.1.3 - Clarify that 183 days for TSAs in Adult Ed does not equate to 1098 hours and therefore appropriate hours should be adjusted upward
  
- 10.1.6 **Work Year – Psychologists**
  - Add “Speech & Language Pathologists and”
  
- 10.8.2 **Extended Day Kindergarten**
  - Delete
  
- 12.6 -12.9 **Assignment, Transfer, Consolidation, School Closure**  
 Revise Transfer and Assignment procedures to ensure we:
  1. Provide school governance teams greater voice in determining the composition of their school staff teams, and
  2. Recognize the value of seniority as a reflection of a career commitment to instructional leadership.
  
- 13 **Performance Evaluation**  
 Develop new performance system that:
  1. Allows teachers with exemplary performance to engage in an alternative evaluation process enabling them to provide meaningful instructional leadership to their school or the district, and
  2. Integrates the use of multiple student learning outcomes as a tool for teachers to enhance their instructional quality and effectiveness
  
- 13.2.5.1 - Simplify appeal process regarding disagreements of procedure or designated evaluator
  
- 14.9.3 **Binding Arbitration**
  - Revise to provide alternatives to agree on an arbitrator from an updated list of arbitrators and a mechanism to periodically update the list
  
- 21.2 - Revise consistent with current best practices to provide needed counseling and advising services to students
  
- 21.14.2.5 **Resource Specialists**
  - Delete



- 21.15.2.6 **Full Inclusion**
  - Delete
  
- 21.15.2.11 **Full Inclusion**
  - Delete
  
- 22 Align ECE language consistent with Transitional Kindergarten and Elementary leadership of Early Childhood Education programs
  
- 23 **Summer School, Summer Intervention, Extended School Year**
  - Clarify distinctions among programs and impact on staffing
  
- 24 **Compensation**  
Adjust compensation levels and structure to:
  1. Substantially increase the retention of new teachers who have successfully obtained their "clear credential", and
  2. Establish a career ladder for teacher leadership
  
- 25 **Peer Assistance and Review**
  - Revise PAR language consistent with recommendations of OEA and District PAR Joint Committee
  
- 27
  - Rename and rewrite to encompass significant restructuring under NCLB or District restructuring process and restructuring driven by site-based decision-making
  
- 27.4 **(NEW) School Governance**
  - Provide school governance teams the ability to build a staff team and/or modify work hours/calendar to improve school quality and student learning as defined by their adopted Comprehensive Community School Strategic Site Plan.
  
- NEW **Career Opportunities**
  - Develop structure of alternative career advancement opportunities based on increased contribution and demonstrated excellence (e.g. roles as mentor, peer observer, curriculum development, in-service instructor)
  
- ALL
  - Provide option of electronic distribution and collection of all information through electronic means provided by the District unless otherwise specified

***Note: The District reserves the right to amend its initial proposals should there be a material change in actual or projected state or other funding to the District during the term of any proposed successor agreement (e.g. failure of funding measures such as Proposition 30).***