

# Oakland Unified School District

Board of Education  
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## AMERICANS WITH DISABILITIES ACT COMPLIANCE

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## Minutes (Long)

**Wednesday, January 12, 2005**

**4:00 PM**

**Auditorium**

**Oakland High School - 1023 MacArthur Boulevard - Oakland, CA 94610**

## State Administrator and/or Board of Education

*Randolph E. Ward, Ed.D.*

*State Administrator*

*and/or*

*President Gary Yee and Vice President David Kakishiba*

*Directors: Kerry Hamill, Gregory Hodge, Noel Gallo, Dan Siegel, Alice Spearman*

*Student Directors: Anne Chiang and Brytteni Floyd-Mayo*

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

**A. Call To Order**

*Secretary Edgar Rakestraw, at the request of State Administrator Randolph Ward, called the meeting to order at 4:10 P.M.*

**B. Roll Call**

**Roll Call:** Present: Alice Spearman and Randolph Ward

Absent: Kerry Hamill, Gregory Hodge, Dan Siegel, Anne Chiang, Noel Gallo, Brytteni Floyd-Mayo, David Kakishiba and Gary Yee

**C. President's or State Administrator's Statement Disclosing Item(s)  
To Be Discussed In Closed Session Today**

*Secretary Rakestraw stated that items to be considered in Closed Session today are Legal and Pupil Matters listed on the printed agenda.*

**D. Closed Session Item(s)****Legal Matter****05-0025 Conference With Legal Counsel - Existing Litigation**

Brantley v. Oakland Unified School District, Alameda County Superior Court Case No. RG03109530.

**Pupil Matters****05-0011 Expulsion Appeal Hearing - Student FF****05-0012 Expulsion Appeal Hearing - Student GG****05-0013 Expulsion Appeal Hearing - Student HH****05-0014 Expulsion Appeal Hearing - Student II**

- 05-0015     **Expulsion Appeal Hearing - Student JJ**
- 05-0016     **Expulsion Appeal Hearing - Student KK**
- 05-0021     **Expulsion Appeal Hearing - Student LL**
- 05-0022     **Expulsion Appeal Hearing - Student MM**
- 05-0023     **Expulsion Appeal Hearing - Student NN**
- 05-0024     **Expulsion Appeal Hearing - Student OO**

## **E. Recess To Closed Session**

*Secretary Rakestraw recessed the meeting to Closed Session at 4:11 P.M.*

### **Roll Call (Secretary's Observation)**

*Vice President David Kakishiba present at 4:12 P.M.*

**Roll Call:** Present: Alice Spearman, David Kakishiba and Randolph Ward  
Excused: Anne Chiang and Brytteni Floyd-Mayo  
Absent: Kerry Hamill, Gregory Hodge, Dan Siegel, Noel Gallo and Gary Yee

### **Roll Call (Secretary's Observation)**

*Director Gregory Hodge present at 4:22 P.M.*

**Roll Call:** Present: Gregory Hodge, Alice Spearman, David Kakishiba and Randolph Ward  
Excused: Anne Chiang and Brytteni Floyd-Mayo  
Absent: Kerry Hamill, Dan Siegel, Noel Gallo and Gary Yee

### **Roll Call (Secretary's Observation)**

*President Gary Yee present at 4:37 P.M.*

**Roll Call:** Present: Gregory Hodge, Alice Spearman, David Kakishiba, Gary Yee and Randolph Ward  
Excused: Anne Chiang and Brytteni Floyd-Mayo  
Absent: Kerry Hamill, Dan Siegel and Noel Gallo

## F. Reconvene To Public Session

*President Gary Yee reconvened the meeting to Public Session at 5:10 P.M.*

## G. Second Roll Call

**Roll Call:** Present: Gregory Hodge, Alice Spearman, Anne Chiang, Noel Gallo, David Kakishiba, Gary Yee and Randolph Ward  
Absent: Kerry Hamill, Dan Siegel and Brytteni Floyd-Mayo

## H. President's or State Administrator's Statement of Reportable Action Taken In Closed Session and the Vote of Members or State Administrator, If Any

*State Administrator Ward announced, upon query from President Yee, that there were no reportable items from the Closed Session.*

## I. Public Comments on All Agenda and Non-Agenda Items

*Approximately 50 school employees, union members, parents, and community members addressed the Board and State Administrator Ward, on the closure of schools and intervention issues, most speakers opposing plans.*



### 05-0049 Decision - North Oakland Community Charter School

Presentation of the North Oakland Community Charter School Petition and Charter Renewal

**Attachments:** [WEBxtender](#)

*Petitioners presented proposal for five year renewal of charter with request to expand from K-6 to K-8.*

## J. Special Recognitions and Presentations

### 05-0001 Alameda County Public Health Department - Recognition - District's Food Services Department

Presentation by the Alameda County Health Department recognizing the District's Food Services Department for improved nutritional quality of food offered to children.

**Tabled to a Date Certain**

## Secretary's Note

*Following the tabling of Item J, Item M - Public Hearings, in part, on Charter School Matters followed by Item L - Report of Student Board Members, followed by Item K - State Administrator's Report, followed by the latter part of Item M - Public Hearing - Collective Bargaining (Human Resources) Matters, in that order, were taken up. The printed agenda item order, thereafter, was resumed.*

## K. State Administrator's Report



[05-0026](#)

### MediCal Administration Activities (MAA) and MediCal Program

Presentation on the District's Participation in MediCal Administration Activities (MAA) and MediCAL Revenue and Reimbursement Programs benefiting pupils of the District.

**Attachments:** [Revenue Update - January 2005.ppt](#)

**Presentation/Acknowledgment Made**



[05-0007](#)

### 2005 Open Enrollment Plan

Presentation of overview of the District's 2005 Open Enrollment Program.

**Attachments:** [05-0007 - Open Enrollment.ppt](#)

**Presentation/Acknowledgment Made**



[05-0010](#)

### 2005-2006 Employee Recruitment Plan

Presentation of the District's 2005-2006 Employee Strategic Recruitment Plan.

**Attachments:** [WEBxtender](#)  
[05-0010 - Employee Recruitment Brochure.pdf](#)

**Presentation/Acknowledgment Made**

## L. Report of Student Board Members



[05-0052](#)

### Student Directors' Report

Presentation of Student Directors' Report by Anne Chiang.

**Attachments:** [WEBxtender](#)

*Student Director Anne Chiang distributed copies of report as to status of concerns at several of the middle schools and Fremont Federation and McClymonds High Schools.*

**Presentation/Acknowledgment Made**

## M. Public Hearing(s)

### Charter School Matters



#### [04-1576](#) Lighthouse Community Charter High School (9-12)

Public Hearing - Lighthouse Community Charter High School (9-12) - Petition and Proposed Charter

**Attachments:** [WEBxtender](#)

*Several students and staff members spoke in support of Lighthouse Community Charter School, citing the excellent learning environment and safe place to attend classes.*

**Hearing Held and Closed**



#### [04-1577](#) Lighthouse Community Charter School (K-8)

Public Hearing - Lighthouse Community Charter School (K-8) - Proposed Charter Amendment

**Attachments:** [WEBxtender](#)

*There was no public comment on this item.*

**Hearing Held and Closed**



#### [04-1578](#) Aspire Public Schools - Golden Gate Elementary (K-8)

Public Hearing - Aspire Public Schools - Golden Gate Elementary (K-8) - Petition and Proposed Charter

**Attachments:** [WEBxtender](#)

*Petitioners were granted their request to withdrawn Charter proposal.*

**Withdrawn**



#### [04-1579](#) Aspire Public Schools - U C Berkeley School (6-12)

Public Hearing - Aspire Public Schools - U C Berkeley School (6-12) - Petition and Proposed Charter

**Attachments:** [WEBxtender](#)

*It is noted and clarified for the record by petitioners and the Secretary that petitioners, consistent with papers filed, are seeking a 6-12 (rather than a 9-12) charter. Staff from the University of California, Berkeley, said the partnership program has been in place for over two years and the University Chancellor is very supportive of the program. Upward Bound and other academic outreach programs are available to assist students in meeting university requirements. Director Gallo asked if the University is working with Charter*

*Schools why have they not given the same opportunity to Oakland high schools? He did not see that outreach. University staff said that Upward Bound, as well as other outreach programs, have worked in and will continue to work in all Oakland high schools.*

*Jim Mordecai spoke on this item saying he is chagrined that the University of California, Berkeley, would be involved with a charter school.*

*Oscar Wright asked about the percentage of Black students at the school.*

*A parent of an Oakland Public School student, said this is piecemeal with one course; it is important to set up a culture to have kids succeed.*

**Hearing Held and Closed**

## Human Resources



**04-1581**

### **Public Hearing - "Sunshining" - District's Initial Proposals to American Federation of State, County, and Municipal Employees (AFSCME), Local 257**

Public Hearing - "Sunshining" - District's initial proposals for a full successor Agreement, effective July 1, 2005, with American Federation of State, County, and Municipal Employees, Local 257 ("AFSCME").

**Attachments:** [WEBxtender](#)

*Jim Mordecai said none of the other union Agreements should be settled until Agreement with OEA is done.*

*An OEA member asked why is it taking so long to reach agreement with the bargaining team?*

**Hearing Held and Closed**



**04-1583**

### **Public Hearing - "Sunshining" - District's Initial Proposals to Service Employees International Union (SEIU), Local 790 - Permanent White Collar and Paraprofessional Units**

Public Hearing - "Sunshining" - District's initial proposals for a full successor Agreement, effective July 1, 2004, with Service Employees International Union, Local 790 (Oakland School Employees Association), Permanent White Collar and Paraprofessional Bargaining Units.

**Attachments:** [WEBxtender](#)

*There was one speaker on this item. He said the District is facing closure of schools and one of the issues is that students have not been attending schools; the state wants its money back.*

**Hearing Held and Closed**

[04-1584](#)

**Public Hearing - "Sunshining" - District's Initial Proposals to Service Employees International Union (SEIU), Local 790 - Substitute Employee Bargaining Unit**

Public Hearing - "Sunshining" - District's initial proposals for a full successor Agreement, effective July 1, 2004, with Service Employees International Union, Local 790 (Oakland School Employees Association), Substitute Employee Bargaining Unit.

**Attachments:** [WEBxtender](#)

*There were no speakers on this item.*

**Hearing Held and Closed**

## N. Adoption of General Consent Report

### Student Achievement

[04-1568](#)

**Professional Services Agreement - EBS Healthcare - Speech-Language Pathology Services**

Ratification by State Administrator on behalf of the District of a Professional Services Agreement with EBS Healthcare, for the latter to provide Speech-Language Pathology Therapists, Occupational and Physical Therapists, Special Education Teachers and School Psychologists for the Special Education Program, for the period September 1, 2004 through June 30, 2005, in an amount not to exceed \$126,000.00.

**Funding Source: Local Assistance Entitlement**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

[04-1569](#)

**Professional Services Contract - Gibson and Associates - SAIT - Various Schools**

Approval by State Administrator on behalf of the District of a Professional Services Contract with Gibson and Associates, for the latter to provide a School Assistance and Intervention Team (SAIT) and services for Glenview, Horace Mann, Martin Luther King, Jr., Prescott, and Santa Fe Elementary Schools, for the period of October 1, 2004 through September 1, 2007, in an amount not to exceed \$374,949.00.

**Funding Source: Title I School Assistance and Intervention Team (SAIT) Grant Award**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

[04-1571](#)

**Professional Services Agreement - WestEd - SAIT - McClymonds High School**



Approval by State Administrator on behalf of the District of a Professional Services Agreement with WestEd, for the latter to provide a School Assistance and Intervention Team (SAIT) and services at McClymonds High School, for the period November 1, 2004 through November 1, 2005 in an amount not to exceed \$100,000.00.

**Funding Source: Title I School Assistance and Intervention Team (SAIT) Grant**

**Award**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[04-1572](#)**

**Amendment No. 1 to Professional Services Agreement - InterActive University, Regents of the University of California, Berkeley - Urban Dreams Technology Project**

Approval by State Administrator on behalf of the District of Amendment No. 1 to Professional Services Agreement with InterActive University, Regents of the University of California, Berkeley, for the latter to provide web-based resources and specialized staff development to High School English Teachers participating in the Urban Dreams Technology Innovation Challenge Grant, revising the end date from June 30, 2004 to June 30, 2005. All other terms and conditions of Agreement remain in full force and effect.

**Funding Source: Urban Dreams Technology Innovation Challenge Grant**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[05-0002](#)**

**Professional Services Contract - 21st Century Learning LLC - Title I Private Schools**

Approval by State Administrator on behalf of District of a Professional Services Contract with 21st Century Learning LLC, for the latter to provide supplemental educational services to identified eligible students in the Title I Private Schools Program at Saint Anthony, Saint Bernard and St. Jarlath Schools for the period November 29, 2004 through June 30, 2005, in an amount not to exceed \$189,067.19.

**Funding Source: Title I**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[05-0003](#)**

**Professional Services Contract - ARC Associates, Inc. - Title I - After School Tutoring**

Approval by State Administrator on behalf of District of a Professional Services Contract with ARC Associates, Inc., for the latter to provide supplemental educational services - After School Tutoring - for identified students in K-12 grades for the period January, 2005 through June, 2005, in an amount not to exceed \$487,377.00.

**Funding Source: Title I**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[05-0004](#)    **Professional Services Contract - Kaplan, Inc. - Title I - After School Tutoring****

Approval by State Administrator on behalf of District of a Professional Services Contract with Kaplan, Inc., for the latter to provide supplemental educational services - After School Tutoring - for identified students in 2-12 grades for the period January 3, 2005 through June 30, 2005, in an amount not to exceed \$243,688.50.

**Funding Source: Title I**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[05-0005](#)    **Professional Services Contract - Education Station, LLC - Title I - After School Tutoring****

Approval by State Administrator on behalf of District of a Professional Services Contract with Education Station, LLC for the latter to provide supplemental educational services - After School Tutoring - Math or Reading - for identified students in K-12 grades for the period January, 2005 through June, 2005, in an amount not to exceed \$812,295.00.

**Funding Source: Title I**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[05-0006](#)    **Professional Services Contract - Springback Learning Center - Title I - After School Tutoring****

Approval by State Administrator on behalf of District of a Professional Services Contract with Springback Learning Center for the latter to provide supplemental educational services - After School Tutoring - Math or Reading - for identified students in 3-9 grades for the period January 2005 through June 2005, in an amount not to exceed \$8,122.95.

**Funding Source: Title I**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[05-0017](#)    **Professional Services Agreement - Spectra Services - Title I - After School Tutoring****

Approval by State Administrator on behalf of District of a Professional Services Agreement with Spectra Services, for the latter to provide Title I After School Tutoring - reading, mathematics and language arts - for identified students in Grades 3-8, for the period January through June 2005, in an amount not to exceed \$64,983.60.

**Funding Source: Title I**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0018**

**Professional Services Agreement - Platform Learning - Title I Supplemental Educational Services**

Approval by State Administrator on behalf of District of a Professional Services Agreement with Platform Learning, Inc., for the latter to provide Title I After School Tutoring - reading and mathematics - for identified students in Grades K-8, for the period January through June 2005, in an amount not to exceed \$1,299,672.00.

**Funding Source: Title I**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0019**

**Professional Services Agreement - The Princeton Review - Title I Supplemental Educational Services**

Approval by State Administrator on behalf of District of a Professional Services Agreement with The Princeton Review, for the latter to provide Title I After School Tutoring - reading and mathematics - for identified students in Grades 3-12, for the period January 2005 through June 2005, in an amount not to exceed \$97,475.4.00.

**Funding Source: Title I**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0020**

**Professional Services Agreement - ABC Phonetic Reading, Inc. - Title I Supplemental Educational Services**

Approval by State Administrator on behalf of District of a Professional Services Agreement with ABC Phonetic Reading, Inc., for the latter to provide Title I After School Tutoring - reading and mathematics - for identified students in Grades K-12, for the period January 2005 through June 2005, in an amount not to exceed \$64,983.60.

**Funding Source: Title I**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

## **Human Resources**



**04-1580**

**Personnel Report No. 0005-0007**

Approval of Personnel Report No. 0005-0007.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

## Fiscal



**04-1564**

### **Donation - Wells Fargo Foundation - Poetry and Art Publishing Project**

Acceptance by the State Administrator on behalf of the District of a donation for poetry and arts publishing project from Wells Fargo Foundation, Minneapolis, MN, in the amount of \$1,000.00, for the 2004-5 school year, pursuant to the terms and conditions thereof, if any.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1590**

### **Grant Application - City of Oakland Community Development Block Grant Program - Circus Arts Program - Prescott Elementary School**

Approval and Support by the State Administrator on behalf of the District of the Marcus A. Foster Educational Institute Grant Application to the City of Oakland requesting \$60,000.00, for the period July 1, 2005 through June 30, 2007, for circus arts training and performing opportunities for students at Prescott Elementary School, and, if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: City of Oakland Community Development Block Grant**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1591**

### **Grant Application - Oakland Fund for the Arts - Circus Arts Program - Prescott Elementary School**

Approval and Support by the State Administrator on behalf of the District of Marcus A. Foster Educational Institute Grant Application to the Oakland Fund for the Arts, requesting \$5,000.00, for the period January 1, 2005 through July 31, 2005, for circus arts training and performing opportunities for students at Prescott Elementary School, and, if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: Oakland Fund for the Arts**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1592**

### **Grant Application - James Irvine Foundation - Dance Education - EnCompass Academy**

Approval and Support by the State Administrator, on behalf of the District, of the Luna Kids Dance application to the James Irvine Foundation requesting \$14,403.00, for the period February 1, 2005 through January 31, 2006, to fund integrated arts coaching support for teachers at EnCompass Academy, and, if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: James Irvine Foundation**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[04-1593](#)**

**Grant Application - California Department of Education - After School Literacy and Technology Programs - Castlemont High School**

Approval and Support by the State Administrator on behalf of the District of the Regents of University of California, Berkeley, Grant Application to California Department of Education requesting a total of \$1,250,000 for five one-year contracts for the period November 30, 2004 through July 1, 2005, for homework assistance, preparation for standardized tests, reading and language arts and technology skills, at Castlemont High School, and, if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: California Department of Education**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[04-1594](#)**

**Grant Application - California DOE - After School Programs - McClymonds and Skyline High Schools, Oakland SUCCESS**

Approval and Support by State Administrator on behalf of the District of the District's Grant Application to the California Department of Education for an After School Safety and Enrichment for Teens (ASSETS) Program, requesting \$1,250,000 over five years, for the period July 1, 2005 through June 30, 2010, for academic after school interventions for students, including tutoring, CAHSEE preparation and skill building in core subject areas, at McClymonds, Skyline High Schools and Oakland SUCCESS (Department of Student, Family and Community Services), and if awarded, to accept same, in whole or in part, pursuant to the terms and conditions thereof, if any.

**Funding Source: California Department of Education 21st Century High School**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[04-1595](#)**

**Grant Application - California Endowment - Healthy Eating, Active Communities Programs - Various School Sites**

Approval and Support by the State Administrator on behalf of the District of the joint application of Alameda County Public Health Department, East Bay Asian Youth Center, and District to California Endowment, requesting \$500,000.00, of which \$125,000 is District's pro rate share, for the period March 1, 2005 through February 28, 2006, to improve the nutritional status, physical fitness, and health of students that will support improved academic performance at various school sites, and if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: California Endowment**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1596**

**Grant Application - Cirque du Soleil - Circus Arts Program - Prescott Elementary School**

Approval and Support by the State Administrator on behalf of the District of the Marcus A. Foster Educational Institute application (donation request) to the Cirque du Soleil, requesting \$1,000.00, for the period July 1, 2004 through June 30, 2005, for circus arts training and performing opportunities for students at Prescott Elementary School, and if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: Cirque du Soleil**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1597**

**Grant Application - The Clorox Company Foundation - Circus Arts Program - Prescott Elementary School**

Approval and Support by the State Administrator on behalf of the District of Marcus A. Foster Educational Institute application to the Clorox Company Foundation, requesting \$5,000.00, for the period January 1, 2004 through December 31, 2004, for circus arts training and performing opportunities for students at Prescott Elementary School, and if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: Clorox Company Foundation**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1598**

**Grant Application - San Francisco Foundation Arts - Circus Arts Program - Prescott Elementary School**

Approval and Support by the State Administrator on behalf of the District of the Marcus A. Foster Educational Institute Grant Application to the San Francisco Foundation, requesting \$2,000.00, for the period November 1, 2004 through April 30, 2005, for circus arts training and performing opportunities for students at Prescott Elementary School, and, if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: San Francisco Foundation**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1599**

**Grant Application - Walter and Elise Haas Fund - Circus Arts Program - Prescott Elementary School**

Approval and Support by the State Administrator on behalf of the District of the Marcus A. Foster Educational Institute Grant Application to the Walter and Elise Haas Fund, requesting \$15,000.00, for the period January 1, 2004 through December 31, 2004, for circus arts training and performing opportunities for students at Prescott Elementary School, and, if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: Walter and Elise Haas Fund**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1600**

**Grant Application - Team Up for Youth - Circus Arts Training - Prescott, Lockwood and Piedmont Avenue Elementary Schools**

Approval and Support by the State Administrator on behalf of the District of the Marcus A. Foster Educational Institute Grant Application to Team Up for Sports, requesting \$12,000.00, for the period July 1, 2004 through June 30, 2005, for circus arts training and performing opportunities for students at Prescott, Lockwood, and Piedmont Avenue Elementary Schools, and, if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: Team Up for Youth**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1601**

**Grant Application - California Department of Education - Vocational and Technical Education Act of 1998 - Adult Education Programs**

Approval and Support by the State Administrator on behalf of the District of the District's application to the California Department of Education, requesting \$88,489.00, for the period July 1, 2004 through June 30, 2005, for vocational education provided through the District's Adult Education Department, and if awarded, to accept same, in whole or in part, pursuant to terms and conditions thereof, if any.

**Funding Source: California Department of Education**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

## Facilities



### **04-1515**

#### **Amendment No. 1 - Mobile Modular - Horace Mann and ASCEND Elementary Schools Portable Project**

Ratification by State Administrator on behalf of the District of Amendment No. 1 of Existing Month to Month Lease of portable buildings with Mobile Modular, Livermore, CA, for delivery and installation of additional portable buildings for the Horace Mann and ASCEND Elementary Schools, in an additional amount not to exceed \$154,872.24, increasing previous contract amount from \$1,815,091.00 to a not-to-exceed amount of \$1,969,963.24. All other terms and conditions of the original lease remain in force and effect.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



### **04-1602**

#### **Amendment No. 1 - ACC Environmental - Castlemont High Small School Project**

Ratification by State Administrator on behalf of the District of Amendment No. 1 to Professional Services Agreement with ACC Environmental, Oakland, CA, for the latter to provide additional soil testing services for the Castlemont High Small School Project in an additional amount not to exceed \$8,531.50, increasing the previous contract amount from \$11,106.00 to a not-to-exceed amount of \$19,637.50. All other terms and conditions of Agreement remain in full force and effect.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



### **04-1603**

#### **Amendment No. 1 - Architecture for Education Incorporated - Districtwide Facilities Master Plan**

Ratification by State Administrator on behalf of the District of Amendment No. 1 to Professional Services Agreement with Architecture for Education Incorporated, Pasadena, CA, for the latter to provide additional consulting services for the Districtwide Facilities Master Plan, adding eight sites and a comparative matrix, roofing, mechanical, electrical and plumbing surveys, in an additional amount not to exceed \$274,409.00, increasing previous contract amount from \$346,530.00 to a not-to-exceed amount of \$620,939.00. All other terms and conditions of Agreement remain in full force and effect.

**Funding Source: General Obligation Bond**



**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[04-1604](#)**

**Routine Maintenance Contract - El Camino Paving, Inc.- Old Chabot Community Day School Site Reutilization Project**

Ratification by State Administrator on behalf of the District of Routine Maintenance Contract with El Camino Paving, Inc., Sunnyvale, CA, for the latter to provide paving services, including removal and replacement of failed asphalt ... and related services, for the Old Chabot Community Day School Site Reutilization Project for the period commencing October 1, 2004 and terminating September 30, 2005 in an amount not to exceed \$57,050.00.

**Funding Source: Site Reutilization**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[04-1605](#)**

**Amendment No. 4 Professional Services Agreement - HTI Architects - Burckhalter Elementary School Modernization Project**

Ratification by State Administrator on behalf of the District of Amendment No. 4 to Professional Services Agreement with HTI Architects, Oakland, CA, for the latter to provide additional electrical engineering services to change the fire alarm system type from Radionics to Simplex, for the Burckhalter Elementary School Modernization Project, in an additional amount not to exceed \$2,860.00, increasing the previous contract amount from \$325,131 to a not-to-exceed amount of \$327,991.00. All other terms and conditions of Agreement remain in full force and effect.

**Funding Source: General Obligation Bond**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[04-1606](#)**

**Amendment No. 7 - Professional Services Agreement - Levine Fricke - ASCEND Elementary New School Project**

Ratification by State Administrator on behalf of the District of Amendment No. 7 to Professional Services Agreement with Levine Fricke, Emeryville, CA, for the latter to provide additional air monitoring services for the ASCEND Elementary New School Project, in an additional amount not to exceed \$93,339.00, increasing the previous contract amount from \$654,715.00 to a not-to-exceed amount of \$748,054.00, and extending the contract end date from March 31, 2004 to September 1, 2004. All other terms and conditions of Agreement remain in full force and effect.

**Funding Source: General Obligation Bond**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

[04-1607](#)**Lease Agreement - National Construction Rental - Bella Vista CDC Portable Replacement Project**

Ratification by State Administrator on behalf of the District of Lease Agreement with National Construction Rentals, Hayward, CA, for the latter to provide portable lavatory, as specified, for the Bella Vista CDC Project for the period commencing on January 5, 2004 and concluding no later than December 31, 2004 in an amount not to exceed \$48,000.00.

**Funding Source: Developer Fees**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

[04-1608](#)**Professional Services Agreement - Osafran Okundae - Facilities Grant Writing Services**

Ratification by State Administrator on behalf of the District Professional Services Agreement with Osafran Okundae, Oakland, CA for the latter to provide writing and management of facilities grant proposals with the following foundations: California Energy Commission; Beaumont Foundation; Elizabeth and Stephen Bechtel, Jr.; The California Endowment; California Internal Waste Management Board; and The Stuart Foundation for the period commencing on July 1, 2004 and concluding no later than June 30, 2005, in an amount not to exceed \$24,999.00.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

[04-1609](#)**Amendment No. 1 - Safway Services, Inc. - ASCEND Elementary New School**

Ratification by State Administrator on behalf of the District of Amendment No. 1 to Lease with Safway Services, Inc., Burlingame, CA for the latter to provide additional construction lease services - two stair tower, stair tower revisions, additional two-stair towers, time and materials for work - for the ASCEND Elementary New School Project in an additional amount not to exceed \$12,402.62, increasing the previous contract amount from \$10,000.00, to a not-to-exceed amount of \$22,402.62 and extending the contract end date from March 31, 2004 to September 30, 2004. All other terms and conditions of the Agreement remain in full force and effect.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

[04-1610](#)**Amendment No. 5 - Stafford King Weise - Allendale Elementary School New Two-Story Building Project**

Ratification by State Administrator on behalf of the District of Amendment No. 5 to Professional Services Agreement with Stafford King Weise, Sacramento, CA, for the latter to provide additional construction services for the Allendale Elementary School New Two-Story Building Project in an additional amount not to exceed \$32,537.50, increasing the current contract from \$221,380.83 to a not to exceed amount of \$255,918.33 and extending the contract end date from June 30, 2004 to October 31, 2004. All other terms and conditions of Agreement remain in full force and effect.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1612**

**Professional Services Agreement - Treadway and Rollo - Castlemont High School Shop Modernization Project**

Ratification by State Administrator on behalf of the District of Professional Services Agreement with Treadway and Rollo, San Francisco, CA, for the latter to provide geotechnical consultation services for the Castlemont High School Shop Modernization Project for the period commencing October 15, 2004 and concluding no later than December 3, 2004, in an amount not to exceed \$9,500.00.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1613**

**Small Construction Contract - Tucker Technology, Inc. - Lowell Truancy Center Routine Maintenance Project**

Ratification by State Administrator on behalf of the District of Small Construction Contract with Tucker Technology, Inc., Oakland, CA, for the latter to provide computer hook ups and cabling services for the Lowell Truancy Center Routine Maintenance Project for the period commencing November 10, 2004 and terminating September 30, 2005 in an amount not to exceed \$14,459.00.

**Funding Source: Deferred Maintenance**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1614**

**Award of Bid and Modernization Contract - West Bay Builders - Parker Elementary School Modernization Project**

Ratification by State Administrator on behalf of the District of Resolution No. 0405-0048 awarding bid and modernization contract to West Bay Builders, Novato, CA, for the Parker Modernization Project for the period commencing November 15, 2004 and ending on November 25, 2005 in an amount not to exceed \$4,496,000.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1615**

**Small Construction Contract - Youngblood Electric Company - Lowell Middle School Site Reutilization Project**

Ratification by State Administrator on behalf of the District to of a Small Construction Contract with Youngblood Electric Company, Oakland, CA, for the latter to provide computer hook ups and cabling services for Lowell Middle School Annex Site Reutilization Project for the period commencing September 13, 2004 and terminating on September 12, 2005 in an amount not to exceed \$14,900.00.

**Funding Source: Site Utilization**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**04-1616**

**Project Budget - Chabot Portable Project**

Ratification by State Administrator on behalf of the District of Resolution No. 0405-0042 - Approving the project budget for Chabot Portable Project in the amount of \$77,430.00.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

## **State Administrator and/or Board of Education**



**05-0009**

**Minutes, State Administrator and/or Board of Education**

Ratification of State Administrator and/or Board of Education Minutes prepared by Secretary and staff shortly thereafter for the following meetings:

Regular Meeting, December 15, 2004

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

## **Passed The General Consent Report (Agenda)**

**A motion was made by Randolph E. Ward, seconded by Randolph E. Ward, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0

Adv Abstain: 0  
Aye: 1 - Randolph E. Ward  
Nay: 0  
Recused: 0  
Absent: 3 - Kerry Hamill, Dan Siegel and Brytteni Floyd-Mayo  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

## O. Unfinished Business



### 04-1566 School Interventions - Phase II - "No Child Left Behind"

Discussion of Possible School Interventions - Phase II - Schools In Program Year 4 Under "No Child Left Behind" - January 2005

**Attachments:** [04-1566 - Letters of Interest.pdf](#)  
[04-1566 - Randolph Ward Statement - January 12, 2004 - Phase II - School Interventions - No Child Left Behind.doc](#)

*Dr. Ward, with the assistance of Katrina Scott-George, Special Assistant to the State Administrator, presented this item. See Dr. Ward's statement which is attached. In response to a question by Director Hodge, Ms. George, stated the work of creating a new school and engaging the school community is a 18-month process. We have design teams at Cox and Highland and even though the two schools are in Program Improvement Year 4, the new schools that are formed will be redesignated Program Improvement Year "0". For those new schools, they will have an opportunity for a fresh start. One of the design principles in creating a new school is to have a school grow over time. Once we commit to having one in our incubator, it is a very big commitment. A new school is created when a CDS code is applied for from the State and the District approves the school to open. In the Fall of 2005, we need to have a solution that meets NCLB requirements around restructuring the existing school. Simultaneously, it is our hope to engage community members in the design of a new school that would hopefully open in 2006 or 2007. We will have both processes happening at the same time. Director Hodge asked what is the condition that is going to facilitate and give people a sense of trust that their design team is going to be the group that comes up with a permanent solution while this temporary solution is in place. In response to President Gary Yee, Ms. George said a contract school is when we have another organization outside the District that has a contract with OUSD to manage the school.*

*Ms. George said the on-going process includes a public opening in February of all the Letters of Interest we have received. At that time we would be looking at all of the options available and staff would be making recommendations to Dr. Ward about which options and how to proceed; then invitations to respondents inviting further proposals. When we put forth a plan for each school we would be laying out what we are thinking based upon the responses we have.*

*Director Spearman said the letter of the law says you have to inform and involve the community first before drastic measures take place.*

*Dr. Ward said the Letter of Interest is to figure out what is out there and give the entire school community an opportunity for input prior to making decisions about what option we want to make.*

*Speaker Kim Shipp stressed the need to move toward improvement and achievement.*

*Director Kakishiba asked why Option 4 was ruled out which is replacing school district schools in Year 4. If we are soliciting proposals for charter schools, do we not first have to close these schools before turning them into charters? State Administrator Ward said Option 4--reconstituting the school--remains an option and it has not been ruled out.*

*President Yee said it would be helpful if Board Members were provided an analysis of the factors leading to the 13 schools going to Program Improvement Year 4 status and whether there were fundamental causes in the 13 schools, i.e., environmental, family issues, or district lack of support. Who made the decisions? Dr. Ward said there has been a process with assessments and data created. Folks created an improvement plan and it did not work. We need to fix and create what is clearly defined in effective school research. His responsibility is to figure out how to move on and make it happen at the necessary time.*

#### **Discussed and Closed**



#### **04-1493**

#### **Decision - COVA Music Conservatory - Petition and Proposed Charter**

Approval of denial by State Administrator of the COVA Music Conservatory - Petition and Proposed Charter.

**Attachments:** [04-1493 - COVA Music Conservatory Charter Application.pdf](#)  
[WEBxtender](#)  
[COVA Music Conservatory - Staff Report 12 Jan 2005.doc](#)

**A motion was made by Randolph E. Ward, seconded by Randolph E. Ward, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
 Adv Nay: 0  
 Adv Abstain: 0  
 Aye: 1 - Randolph E. Ward  
 Nay: 0  
 Recused: 0  
 Absent: 3 - Kerry Hamill, Dan Siegel and Brytteni Floyd-Mayo  
 Preferential Aye: 0  
 Preferential Abstention: 0  
 Preferential Nay: 0

## **P. New Business**

### **Student Achievement**



04-1573

**Agreement - English Learners - U. S. Department of Education - Office of Civil Rights - Comite**

Ratification by State Administrator on behalf of the District of an Agreement with the United States Department of Education, Office of Civil Rights, for District's Continued Implementation and Monitoring of Programs to Improve the Education of English Learners in the Oakland Unified School District, as set forth in the Agreement, for the period January, 2005 through June, 2006.

**Attachments:** [WEBxtender](#)

**A motion was made by Randolph E. Ward, seconded by Randolph E. Ward, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 1 - Randolph E. Ward  
Nay: 0  
Recused: 0  
Absent: 3 - Kerry Hamill, Dan Siegel and Brytteni Floyd-Mayo  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

[04-1575](#)**School Assistance and Intervention Team Findings and Recommendations - Named Schools**

Adoption by State Administrator of the School Academic Intervention Team (SAIT) Findings and Recommended Corrective Actions, individually and separately, for Havenscourt, Madison Schools and McClymonds Schools, respectively.

**Attachments:** [WEBxtender](#)

**A motion was made by Randolph E. Ward, seconded by Randolph E. Ward, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 1 - Randolph E. Ward  
Nay: 0  
Recused: 0  
Absent: 3 - Kerry Hamill, Dan Siegel and Brytteni Floyd-Mayo  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

**Human Resources**

[04-1588](#)**AB1200 Cost Disclosure of Collective Bargaining Agreement - Tentative Agreement Between District and United Administrators of Oakland Schools (UAOS), Local 83**

Presentation of AB1200 Cost Disclosure Statement of the proposed Agreement Between the District and the United Administrators of Oakland Schools (UAOS), Local 83 for the period July 1, 2003 through June 30, 2006.

**Attachments:** [WEBxtender](#)

**Presentation/Acknowledgment Made**

[04-1589](#)**Collective Bargaining Agreement - District and United Administrators of Oakland Schools (UAOS), Local 83**

Adoption of Tentative Agreement, as Agreement Between District and United Administrators of Oakland Schools (UAOS), Local 83, representing Certificated & Classified Administrators, for the period July 1, 2003 through June 30, 2006.

**Funding Source: General; Child Development; Adult Education; Food Service; Self-Insurance and General Obligation Bond Funds**

**Attachments:** [WEBxtender](#)

[Fact Finding Report - OUSD v. UAOS - Perb No. SF-IM-2575-E.pdf](#)

**Tabled**

## BOARD OF EDUCATION - POLICIES

[05-0008](#)**Board Policy - Business - BP 3511.2 - Integrated Pest Management**

Approval by State Administrator of the repeal of Board Policy - Business - BP 3511.1 - Integrated Pest Management, adopted December 12, 2004 and, in lieu thereof, adoption of Board Policy - Business - BP 3511.2 - Integrated Pest Management, attached, as renumbered and revised.

**Attachments:** [BP 3511.2 - Integrated Pest Management.rtf](#)

*State Administrator Ward, following explanation from Secretary Rakestraw that this item was a renumbering and a clean up of language, previously adopted, exempted this matter from second reading and adopted it as presented.*

**A motion was made by Randolph E. Ward, seconded by Randolph E. Ward, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 1 - Randolph E. Ward  
Nay: 0  
Recused: 0



Absent: 3 - Kerry Hamill, Dan Siegel and Brytteni Floyd-Mayo  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

## **Q. Adoption of the Pupil Discipline Consent Report**

- 05-0011 Expulsion Appeal Hearing - Student FF**
  
- 05-0012 Expulsion Appeal Hearing - Student GG**
  
- 05-0013 Expulsion Appeal Hearing - Student HH**
  
- 05-0014 Expulsion Appeal Hearing - Student I I**
  
- 05-0015 Expulsion Appeal Hearing - Student JJ**
  
- 05-0016 Expulsion Appeal Hearing - Student KK**
  
- 05-0021 Expulsion Appeal Hearing - Student LL**
  
- 05-0022 Expulsion Appeal Hearing - Student MM**
  
- 05-0023 Expulsion Appeal Hearing - Student NN**
  
- 05-0024 Expulsion Appeal Hearing - Student OO**

### **Passed the Pupil Discipline Consent Report (Agenda)**

**A motion was made by Randolph E. Ward, seconded by Randolph E. Ward, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0

Aye: 1 - Randolph E. Ward  
Nay: 0  
Recused: 0  
Absent: 3 - Kerry Hamill, Dan Siegel and Brytteni Floyd-Mayo  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

**R. Board Discussion**

*There was no additional Board member discussion.*

**S. Adjournment**

*President Yee adjourned the meeting at 12:02 A.M., Thursday, January 13, 2005.*

Prepared By: \_\_\_\_\_

Approved By: \_\_\_\_\_