

MEASURES N AND H – COLLEGE AND CAREER READINESS COMMISSION

1016 Union Street, #940
Oakland, CA 94607



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

**Measures N and H -
College & Career Readiness Commission**

Louise Waters, Chairperson
louise.bay.waters@gmail.com

David Kakishiba, Vice Chair
kakishiba@gmail.com

Marc Tafolla, Secretary
marctafolla@gmail.com

James. Harris, Member
james@510media.com

Katy Nuñez-Adler, Member
katynunez.adler@gmail.com

Board Office Use: Legislative File Info.	
File ID Number	23-1160
Introduction Date	05/02/2023
Enactment Number	
Enactment Date	

Memo

To Measures N and H – College and Career Readiness Commission

From Vanessa Sifuentes, High School Network Superintendent

Board Meeting Date _____

Subject Measure N-Measure H Comparison
Services For: All High Schools

Action Requested and Recommendation Continued discussion by Measures N and H Commission of the Measure N-Measure H Comparison with the Chief Governance Officer - Measure H Supplantation Language.

Background

(Why do we need these services? Why have you selected this vendor?)

Competitively Bid

Was this contract competitively bid? No
If no, exception: N/A

Fiscal Impact

Funding resource(s): Measure N
Measure H

Attachments

- Legal Department Memorandum re: Measure H Supplantation Language

MEMORANDUM

To: Measures N and H – College and Career Readiness Commission
From: Joshua R. Daniels, Chief Governance Officer
Date: June 6, 2023
Subject: Measure H Supplantation Language

Background

On May 2, 2023, I spoke before the Measures N and H – College and Career Readiness Commission (“Commission”) in regards to the meaning of the supplantation language in the 2022 Oakland Unified School District College and Career Readiness for All Act (Measure H). That language reads, in full, as follows:

Nothing herein shall limit the Board’s ultimate and final authority to add, modify, or reject an allocation for funding except that the District may not require that an OUSD school expend any funds from the College & Career Account to which it is allocated in one fiscal year in a way that supplants District-directed funding to that school in the prior fiscal year. This authority to allocate funding from the measure is absolute and the Board’s decisions may not be challenged or appealed either to other governmental agencies or to the courts.

During the May 2 meeting, I explained that the purpose of this language is to prevent a specific kind of supplantation. In particular, this language prohibits the District (i.e., a supervisor working in the District’s central office or the Board) from forcing a school site to use its Measure H funds to continue an expenditure required by the District in the prior year. The underlying intent is to prevent the Board of Education or anyone in the central office from using Measure H to offset funding reductions elsewhere in order to continue to fund its priorities. The prior funding source (e.g., base allocation, grant) does not matter.

The Commission subsequently requested further information and examples to help understand and illustrate the meaning of this language. This memorandum is intended to be responsive to this request and to provide such documentation for the public record.

History & Context

Measure H is the continuation of the 2014 Oakland Unified School District College and Career Readiness for All Act (Measure N). Measure N contained different supplantation language, which stated that Measure N funds can only be “used to supplement, and not supplant, unrestricted general fund revenue so appropriated to schools to serve pupils in grades 9 through 12 based on fiscal year 2014-2015 funding.” In other words, Measure N could not be used to replace expenditures that were funded with general fund revenue in 2014-15.

Adherence to this language become more and more difficult over time due, in part, the need to compare spending to what occurred in 2014-15. Additionally, school sites and District staff reported that they spent a significant amount of time focused on what was permissible under Measure N.

Measure H was designed to take a different approach to supplantation. In particular, the Measure H supplantation language was designed to be more focused on a specific scenario: preventing the District from using Measure H to offset funding reductions elsewhere in order to continue to fund its priorities. However, this does not mean that everything else is permitted under Measure H.

Measure H establishes the following Theory of Action that underlies its approach to the use of Measure H funding.

The specific purpose of the Measure is intended to continue and expand the comprehensive approach to high school education that involves research-based strategies integrating rigorous college preparatory academic programming with career-based learning, real-world work experiences, career technical training, and comprehensive student support services. This comprehensive approach involves, among other things, the creation of small learning communities of career-oriented pathways (i.e., cohorts of students and educators engaged in a sequence or continuum of core academic courses, career-oriented education, and work-based learning) and intensive, individualized supports to create the conditions for more students to graduate high school prepared to succeed in college, career, and community.

The District expects that this approach, if continued and implemented with fidelity, will lead to improved student outcomes for all students and more equitable student outcomes based on race, ethnicity, gender, socio-economic status, English Learner status, special needs status, housing status, immigration status, and family circumstance

In order for a school to receive and expend Measure H funds, the Commission must approve its Education Improvement Plan (“EIP”), which “must be consistent with the Theory of Action and must include, at minimum:

- Completion of a diagnostic self-evaluation of the submitting school’s needs to implement the full continuum of an integrated college and career preparation program for all students that include rigorous academics, work based learning, career technical training, and comprehensive student support services.
- Annual and three-year accountability indicators.
- Evidence-based strategies designed to meet the accountability indicators.
- Annual benchmarks for the implementation of new or enhanced structures and systems that equitably place all students in career pathways or academies.
- A description of how school staff, time schedules, and budgets are coherently structured to implement the [EIP]’s strategies and activities.”

Measure H includes a number of examples of expenditures that are, by definition, consistent with the Theory of Action but it is up to the Commission to determine whether any other expenditures are consistent with the Theory of Action. In other words, just because a specific expenditures does not violate Measure H’s supplantation language does not make it automatically permissible under Measure H.

Examples & Analysis

The following non-exhaustive examples are offered to help illustrate how the supplantation language in Measure H should be understood and analyzed.

Example 1

Scenario: In 2023-24, the District requires all OUSD high schools to have an additional Assistant Principal above the base allocation and informs the high schools that the funding would come from ESSER III. In 2024-25, with the loss of ESSER III dollars, the District requires all OUSD high schools to include the additional Assistant Principal in their EIPs (and, thus, to be funded by Measure H).

Analysis: This is *supplantation* under Measure H and is *prohibited*. In 2023-24, the use of ESSER III for an additional Assistant Principal above the base allocation constitutes “District-directed funding” for that fiscal year. For 2024-25, the District is forcing a school to use Measure H dollars to supplant that loss of ESSER III dollars.

Example 2

Scenario: In 2023-24, an OUSD high school funds a Case Manager position out of its base allocation. In 2024-25, due to reductions in the high school’s base allocation budget, the school includes the Case Manager position in its EIP.

Analysis: This is *not supplantation* under Measure H. The difference here (as compared with the Example 1 Scenario) is that the decision to have the Case Manager position in 2023-24 and the decision to include the position in its EIP for 2024-25 were both made by the school site. Therefore, the supplantation language does not apply. However, for the expenditures to be *permitted*, it would need to be included in the schools EIP and the Commission would need to find that the EIP (including the 2024-25 expenditure for the Case Manager position) complied with Measure H.

Example 3

Scenario: In 2023-24, an OUSD high school chooses to fund a Senior Capstone teacher using its base allocation. In 2024-25, the High School Linked Learning Office provides guidance indicating

that all high schools must have dedicated Senior Capstone teachers to support pathway outcomes and suggests the positions be funded out of Measure H.

Analysis: This is **not supplantation** under Measure H. The decision to have the Senior Capstone teacher in 2023-24 was made by the school site. Additionally, while the District (in this scenario, the High School Linked Learning Office) required all high schools to have a dedicated Senior Capstone teacher in 2024-25, it did not require that it be funded by Measure H. Therefore, the supplantation language does not apply. However, for the expenditures to be **permitted**, it would need to be included in the schools EIP and the Commission would need to find that the EIP (including the 2024-25 expenditure for the Senior Capstone teacher) complied with Measure H.

Example 4

Scenario: In 2023-24, the District uses grant funding to pay for a Nurse to oversee pandemic preparedness efforts across the District. In 2024-25, the District decides to no longer fund this position; however, an OUSD high school include a Nurse in its EIP.

Analysis: This is **not supplantation** under Measure H. While the decision to have the Nurse in 2023-24 was made by the District, the decision to include that position in its EIP for 2024-25 was made by the school site. Therefore, the supplantation language does not apply. However, for the expenditures to be **permitted**, it would need to be included in the schools EIP and the Commission would need to find that the EIP (including the 2024-25 expenditure for the Nurse) complied with Measure H.

Example 5

Scenario: In 2023-24, an OUSD high school uses site funding to purchase basic school supplies (e.g., pens, pencils, copy paper, dry erase markers, rulers, staplers). In 2024-25, the school includes these supplies and materials in its EIP.

Analysis: This is **not supplantation** under Measure H. Like in Example 2, the funding decision in both years were made by the school site. Therefore, the supplantation language does not apply. However, for the expenditures to be **permitted**, it would need to be included in the schools EIP and the Commission would need to find that the EIP (including the 2024-25 expenditure for supplies) complied with Measure H.

All additional questions regarding the interpretation of the supplantation language in Measure H to be address to the OUSD Legal Department.