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Introduction Date	10/9/13
Enactment Number	13-2876
Enactment Date	10/9/13



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

**OAKLAND UNIFIED SCHOOL DISTRICT
Board of Education**

October 9, 2013

TO: Board of Education

FROM: Gary Yee, Acting Superintendent,
By: Maria Santos, Deputy Superintendent, Instruction, Leadership &
Equity-in-Action
Vernon Hal, Deputy Superintendent, Business & Operations

SUBJECT: Adoption of Resolution No. 1314-0015 – Appointing certificated staff as Co-chairs and Members of the Pupil Disciplinary Hearing Panel for the 2013-2015 School Years.

ACTION REQUEST

Adoption of Resolution No. 1314-0015 – Appointing certificated staff as Co-chairs and Members of the Pupil Disciplinary Hearing Panel for the 2013-2015 School Years and/or until their respective successor is appointed pursuant to law.

BACKGROUND

The Education Code provides, among several methods, that an impartial administrative hearing panel of certificated employees may be established in a District to conduct expulsion hearings on behalf of the Governing Authority. The District has historically and effectively used the least costly method, i.e., an impartial administrative hearing panel.

DISCUSSION

Education Code Sections 48912 and 48915 vests in the Governing Board authority to impose suspensions and expulsions upon a pupil pursuant to law. The Governing Board, pursuant to Education Code Section 48918 (d), has elected to establish an impartial administrative hearing panel to conduct pupil expulsion hearings on its behalf and to perform, at minimum, those duties prescribed pursuant to Education Code Section 48918.

RECOMMENDATION

Adoption of Resolution No. 1314-0015 - Appointing certificated staff as Co-chairs and Members of the Pupil Disciplinary Hearing Panel for the 2013-2015 School Year and/or until their respective successor is appointed pursuant to law.

**RESOLUTION
OF
THE GOVERNING BOARD
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
NO. 1314-0015**

Impartial Administrative Hearing Panel

BE IT FURTHER RESOLVED that all prior appointments are hereby superseded by this action;
and

BE IT FURTHER RESOLVED that one or more divisions of the Panel, composed of three or
more duly appointed certificated members each, shall be convened as the caseload warrants.

PASSED AND ADOPTED on October 9, 2013, by the Governing Board of the Oakland Unified
School District

PASSED BY THE FOLLOWING VOTE:

AYES: Jody London, James Harris, Anne Campbell Washington,
Christopher Dobbins, Roseann Torres, Vice President
Jumoke Hinton Hodge, President David Kakishiba

NOES: None

ABSTENTIONS: None

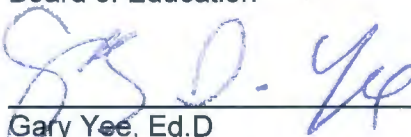
ABSENCES: None

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on
the date and by the vote stated.

By:


David Kakishiba, President
Board of Education

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By: GA


Gary Yee, Ed.D
Acting Superintendent and
Secretary, Board of Education

**RESOLUTION
OF
THE GOVERNING BOARD
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
NO. 1314-0015**

**Appointing Co-Chairs and Members of the Pupil disciplinary Hearing Panel-School
Years 2013-2015**

Impartial Administrative Hearing Panel

WHEREAS, Education Code Section 48918 gives the governing board the power to impose suspensions and expulsions upon a pupil pursuant to law; and

WHEREAS, pursuant to Education Code Section 48918(d), the governing board has established an Impartial Administrative Hearing Panel ("Panel") to conduct pupil expulsion hearings, and admission, reinstatement, readmission hearings, pursuant to Education Code Sections 48900 - 48927, inclusive and Administrative Regulation 5144.1, respectively, and;

WHEREAS, for at least the last several years the District's governing authority required only retired administrators serve as Panel members and;

WHEREAS, the governing board aims to continue to effectively meet the requirements for pupil discipline, it hereby finds and declares having certificated administrators and staff, particularly District and school site administrators, and other certificated staff serve as members of the Panel serves the better academic interests of District students.

NOW, THEREFORE, BE IT RESOLVED that the Board, effective October 9, 2013, hereby determines that its aforementioned Panel shall be primarily composed of, in addition to the two currently assigned certificated permanent staff, District and School site administrators and certificated staff, ten positions of retired certificated persons holding said valid credentials, who are qualified and willing to serve within the limitations of their respective retirement conditions, if any, full or part time; and

BE IT FURTHER RESOLVED that the Superintendent of Schools, the General Counsel and Associate Superintendent of the Family, Schools, and Community Partnerships Department collectively, shall work together to effectuate the foregoing and to train said individuals to serve, as the impartial agents of the Board for the purpose(s) permitted by Education Code Section 48900- 48927, inclusive and in Administrative Regulation 5144; and

BE IT FURTHER RESOLVED that from now through September 15, 2015, any certificated administrators and other certificated staff employed by the Oakland Unified School District and any retired administrators contracted by Oakland Unified School District are hereby appointed members and co-chairs of the Panel

BE IT FURTHER RESOLVED that after September 15, 2015, any and all of the aforementioned certificated persons are authorized to continue to serve in the capacity named from time to time due to Panel's operational necessity as hearing caseloads warrant; and

BE IT FURTHER RESOLVED that each appointee shall serve in their respective capacity until his or her successor (s) is appointed by this Board; and