

Oakland Unified School District

Board of Education
Paul Robeson Building
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Minutes (Long)

Wednesday, March 03, 2010

8:30 AM

**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 8:35 A.M.

B. Roll Call

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

C. Modifications to Agenda

None

D. Adoption of Committee Minutes



[10-0390](#) Minutes - Rules and Ethics Committee - December 8, 2009

Approval by Rules and Ethics Committee of its Regular Meeting Minutes of December 8, 2009.

Attachments: [10-0390 - Minutes - Rules and Ethics Committee - December 8, 2009](#)

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

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 3 - David Kakishiba, Jody London and Gary Yee
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



[10-0391](#) Minutes - Rules and Ethics Committee - December 8, 2009

Approval by Rules and Ethics Committee of its Special Meeting Minutes of December 8, 2009.

Attachments: [10-0391 - Minutes - Rules and Ethics Committee - December 8, 2009](#)

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

Votes: Adv Aye: 0

Adv Nay: 0
Adv Abstain: 0
Aye: 3 - David Kakishiba, Jody London and Gary Yee
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



10-0255 Minutes - Rules and Ethics Committee - February 1, 2010

Approval by Rules and Ethics Committee of Its Minutes of February 1, 2010.

Attachments: [10-0255 - Minutes - Rules and Ethics Committee - February 1, 2010](#)

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

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 3 - David Kakishiba, Jody London and Gary Yee
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

E. Adoption of the Committee General Consent Report

None

F. Unfinished Business

10-0208 Rules and Ethics Committee Work Plan for 2010

Adoption by the Rules and Ethics Committee of its Work Plan for Calendar Year 2010.

Chairperson Gary Yee said we are still working on several items on the work plan. He asked the committee at the last meeting to look at evaluations of the Superintendent, the Secretary of the Board, and the Board Self-Evaluation. That is one item we need to calendar. Director London asked staff to calendar the evaluation of the General Counsel. Director Kakishiba asked if the evaluation(s) would be the work of this Committee. Chairperson Yee said the scheduling of the evaluations would be done by this committee.

Chairperson Yee asked committee members if there are other items that should be placed on the Work Plan for this school year. Director Kakishiba said the monitoring process for Coherence Governance has not been calendared for the Results Operational Expectations

(OE) or for our own internal Self-evaluation. Chairperson Yee stated we should ask each committee to calendar a report on the Coherent Governance OE. Director London said not all committees have OE responsibility. Director Kakishiba said this committee is responsible for calendaring the Results policies, the Governance Culture, and the Board/Superintendent relationship.

Chairperson Yee said when he reports out at the full board on this committee, he will indicate that we have spoken to the Superintendent about the changes in the proposed evaluation process. We have an April 15 deadline to complete his evaluation. Chairperson Yee asked if it would be appropriate to share the proposed calendar and components of the Superintendent's evaluation with this Committee. General Counsel Jacqueline Minor said there is an Ad Hoc Committee on the Superintendent's evaluation and the ongoing status is not completely clear for that committee. That typically would be where both the substantive and the format issues are dealt with and brought back to the Board. The Rules and Ethics Committee is not prohibited from concurring with advising on the timeline that we have left between now and April 15. The Committee could do both. She would urge the Committee to take advantage of the Ad Hoc Committee on the Superintendent's evaluation. Chairperson Yee said he did send a draft of the proposed changes to the General Counsel to include just the sections from CSBA and the self-evaluation. He said we did raise the components of modification at the last Ad Hoc Committee meeting at which the Superintendent and the General Counsel were present. We needed to get feedback from the Ad Hoc Committee to the Board. The next step would be to present evaluation instrument and the calendar at the next Board Meeting. General Counsel Minor said she sent Chairperson Yee an Email at the end of last week about the process. She said she could pull together everything we have agreed to date and get to him by the end of the week. She said there are a few blanks that are still remaining. We also have to look at the calendar and to back into April 15 which is the deadline so that the Board can start undertaking its responsibilities and not miss the April 15 deadline. Chairperson Yee asked, if there was no objections from the Ad Hoc Committee on the structure and on the items that he put in there, then can we assume the item is ready to go? Does the Board need to vote to adopt this interim evaluation or do we just go ahead with it? Who approves the evaluation process? General Counsel Minor said she thought there was sufficient consensus for the Ad Hoc Committee to proceed based upon the input that was left. She spoke of the importance of the calibration. Chairperson Yee said the calibration refers to the areas of the evaluation process for "Needs Improvement", "Meets Expectation", and "Exceeds Expectation" and there has to be some cut off between those three categories. His proposal would be to use 2.5 and 3.5 as cut off points between the three categories.

Chairperson Yee asked what is the status of the evaluation for the Secretary of the Board? Director Kakishiba stated he needs to compile the results of the survey and present a report to the Board. Chairperson Yee asked to have the report presented at the next Closed Session. General Counsel Minor said it would be. Chairperson Yee requested the Secretary to calendar the evaluation for the Board Meeting. Secretary Rakestraw said the item would be calendared for Closed Session.

Secretary Rakestraw was also asked to calendar evaluations for Superintendent, Board Self-Evaluation, and General Counsel.

Discussed

G. New Business



[10-0285](#)

Review - Board Bylaws and Coherent Governance Policies

Review of Board By-laws and Coherent Governance Policies.

Attachments: [Board of Education By-laws](#)
[Coherent Governance Policies](#)

Director Kakishiba said the Bylaws were established as governance guidelines for the Board. Coherence governance was the intent in bringing the model to the District to provide a framework for a performance management tool for the Board to establish goals, objectives, standards of performance district wide; and to monitor progress and performance; and to code other policy recommendations on district operations, academic and behavioral results for the student; and our own way that we conduct business as a governing board.

Director Kakishiba said there is a lot of overlap in the substance between the set of Bylaws and Coherence Governance. Chairperson Yee said we adopted the Coherent Governance policies in August 2007. Secretary Rakestraw said the Board Bylaws are established pursuant to State law. Prior to 2004, the Board had Board operating rules. When the District went into State receivership, the State Administrator decided that he would adopt the CSBA model and standards for policies and bylaws. The Board Rules that existed prior to State Administration were substantially transformed into the CSBA model format wise and the content of the pre-existing State receivership rules were transferred over and codified. No Board Members were involved in the adoption of the Board Bylaws in 2004 because all of the power of the Governing Board was vested in the State Administrator.

Chairperson Yee asked Secretary Rakestraw if he recalled any board operating procedures from the past that were eliminated or significantly revised based upon the adoption of the CSBA board bylaws? Secretary Rakestraw said it was a literal transfer of content to the CSBA format and nothing was eliminated and nothing was added.

Director London asked if Director Kakishiba was suggesting the elimination of some of the duplication between Coherent Governance policies and the Board Bylaws. Director Kakishiba said we would want to ensure there is nothing contradictory around policy between the two sets of documents. The monitoring function is the added value. He is not suggesting any major revisions.

Director London asked if there was any opportunity to condense the contents of the Board Bylaws and Coherence Governance Policies and preserve what is useful.

Chairperson Yee spoke of a way of integrating the two sets of policies. Since we have a binder now, we have a way of incorporating the Governance Culture language where it is appropriate into the Board Bylaws; then leave the monitoring part as a distinctive part of the Board Bylaws package. It will be a regularly calendared event that we all hold ourselves accountable to and that is the part he is most interested in doing in this committee.

Chairperson Yee proposed that we schedule a review of the Board Policies or Coherence

Governance policies on the next Committee agenda. Chairperson Yee asked the three committee members, General Counsel, and Board Secretary to review the 9000 series over the next two weeks and flag the pieces that we propose to bring together .

Discussed and Closed



10-0404

2010 CSBA Delegate Assembly Election - Subregional 7-B (Alameda County)

Adoption by Board of Resolution No.0910-0168 - Determining and Instructing the Secretary of the Board to Cast Ballot As Instructed for Up to Four Candidates for California School Boards Association 2010 Delegate Assembly Subregion 7-B (Alameda County) and Timely Return Ballot to CSBA with a postmark on or before March 15, 2010.

Attachments: [Document\(s\)](#)
[10-0404 - 2010 CSBA Delegate Assembly Election - Subregional 7-B \(Alameda County\).pdf](#)

Director London nominated Gwen Estes, George Granger, Mike McMahon, and Diana Prola, as the Board's candidates for CSBA delegates for Region 7B.

A motion was made by Jody London, seconded by David Kakishiba, that this matter be Recommended Favorably. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 3 - David Kakishiba, Jody London and Gary Yee
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

H. Public Comments on All Non-Agenda Items Within the Subject Matter of the Committee

None

I. Introduction of New Legislative Matter

None

J. Adjournment

Chairperson Yee adjourned the meeting at 9:17 A.M.

Prepared By: _____

Approved By: _____