

Oakland Unified School District

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Meeting Minutes Long - Final

Tuesday, August 20, 2019

6:00 PM

Special Meeting

**The Great Room, LaEscuelita Education Center, 1050 2nd Avenue, Oakland, CA
94606-2291, 350 N Market St, St Paul, MN 55102-1430**

Board of Education

President Aimee Eng

Vice President Jody London

Directors: Jumoke Hinton Hodge, Gary Yee, Roseann Torres, Shanthy Gonzales, James Harris

Student Directors: Denilson Garibo, Mica Smith-Dahl

Staff: Kyla Johnson-Trammell, Superintendent & Secretary

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MEETING RULES OF ENGAGEMENT

MEETING PROCEDURES

A. Call To Order

Vice President Jody London opened the Special Meeting at 6:19 P.M.

B. Roll Call

- Present** 6 - Director Gary Yee
 Director Roseann Torres
 Director Shanthi Gonzales
 Director James Harris
 Vice President Jody London
 President Aimee Eng
- Absent** 3 - Student Director Denilson Garibo
 Student Director Mica Smith-Dahl
 Director Jumoke HintonHodge

C. New Business

Roll Call (Secretary's Observation)

Director Jumoke Hinton Hodge present at 6:33 P.M.

- Present** 7 - Director Jumoke HintonHodge
 Director Gary Yee
 Director Roseann Torres
 Director Shanthi Gonzales
 Director James Harris
 Vice President Jody London
 President Aimee Eng
- Absent** 2 - Student Director Denilson Garibo
 Student Director Mica Smith-Dahl



[19-1660](#)

District's Response - 2018-2019 Alameda County Grand Jury Report - “The Oakland Unified School District’s Broken Administrative Culture - Millions Wasted Every Year”

Public presentation by the Superintendent of Schools and General Counsel on the 2018-2019 Alameda County Grand Jury Final Report, “The Oakland Unified School District’s Broken Administrative Culture - Millions Wasted Every Year” and an outline of the District’s prospective response thereto, and discussion by the Board of Education.

Attachments: [19-1660 2018-2019 Alameda County Grand Jury Final Report \(8/20/19\)](#)
[19-1660 District's Response - 2018-2019 Alameda County Grand Jury Report - “The Oakland Unified School District’s Broken Administrative Culture - Millions Wasted Every Year” \(9/11/19\)](#)

Vice President Jody London provided introduction of the Grand Jury Report.

Superintendent Kyla Johnson-Trammell introduced District's General Counsel Josh Daniels.

General Counsel Josh Daniels provided an overview of what will happen tonight, and the Grand Jury report. Explains the numbering of the findings and recommendations, and our requirements for responding.

Topic Area 1: District Spending

General Counsel Josh Daniels described context, nuance for spending. State approach is correct, but comparing districts is trickier because the category percentages of students are different. Also, many ways to categorize expenditures. Districts not consistent in what they include in the categories. School level autonomy policies.

General Counsel Josh Daniels reviewed actions District's are taking: Strategic Plan, Blueprint, Plan for Fiscal Vitality.

Superintendent Kyla Johnson-Trammell noted we have to move from path of crisis to stability to where we are creating conditions for student success. Need a strong foundation. Organizational wellness. This work aligns with the Grand Jury recommendations.

General Counsel Josh Daniels discussed reductions, priority to protect school sites where possible.

Director Gonzales:

Not clear to her that we are protecting sites. The reductions at Central don't materialize, and yet schools have made the cuts. Would like to see more integrity around commitments to school sites.

Definitional problem around who is a site staff, who is central staff. Hard to know whether that's true. Not surprising there's confusion among the public. We need to land as a Board on what these definition are in policy 3150.

Commit to definitions.

Director Yee:

Overall, what is our actual responsibility as a Board and District in responding to the report? This isn't a criminal Grand Jury. Our only responsibility is to respond.

General Counsel Josh Daniels said we have an obligation to respond accurately. The types of responses we have to findings and recommendations are laid out in statute. Depth of explanation varies, there's flexibility. It's up to us how much we want to push back against specific assertions. Fact by fact rebuttal is not recommended.

Director Yee said the way the response is framed, he has questions. Is our revenue from the State more than other districts? If so, why? Is our spending more than other districts? If so, why? Reviews things that cause us to have higher costs - community schools, teacher turnover, other categories. We have to decide if we want to invest in those. One of those is a commitment of money to sites. He doesn't view it as sacrosanct if it doesn't contribute to student outcomes. Doesn't necessarily cost more to have site-based budgeting. He wants to get those questions.

Director Harris:

Agrees with Gary. Need to explain why. Likes the range of topics Gary named. Forces us to be introspective. Is the Grand Jury assertion true? To Shanthi's point, we've seen schools suffer deeply because of Central Office cuts. Now is time to say if we view "why" differently. Let's be specific here. Particularly site-based budgeting, and it's in direct contravention to how the State budgets.

Director Hinton-Hodge:

Level of politics in this. Question around the audience. Board? Community stakeholders? Investors? Others. The local business policy is a stakeholder group. She wants to know the audience, who's being spoken to. And she believes the level of truth telling is important. Critical that we tell our truth and our particular narrative, and know there are people who will take the story elsewhere. Doesn't have a question. She's asking for an approach: Truth telling, and awareness of audience.

Director Torres:

She wants to know about the data they presented. Not sure how many people they interviewed, whether they work here, etc. Is the report an opportunity to improve outcomes for students? Example of SpEd on p. 36 - facts and data seem conflated. Things that are student driven they say are below other districts. Wants to understand why that's the case. And then GJ report says we're over in terms of spending. The proposed responses don't seem to answer the questions. She'd like to get transparent around whether the info in the report is true, Staff should be looking at what's happening with other districts, see what it would take to get to parity with them. Rosie is reading from the report for findings, etc. How can we use this to improve? What's missing is whether we will address enrollment. Our spending is on auto-pilot through nepotism and lack of competitive bidding. She would like staff to look for areas where there are constant overruns and modifications.

President Eng:

Clarifies that after-school is competitively bid. She sits with those who are asking for more definition and clarification of how we compare with other districts.

Vice President London:

Asked for action-oriented response, use charts and graphics.

Topic 2: Facilities

Josh reviews the findings. Thanks the voters for their support of bond measures.

James says we shouldn't be making excuses. Need to state clearly whether we agree/disagree. Josh says for each finding we have to state that. The final proposed response will have that level of detail. If there are specific findings he's happy to discuss in a 1:1. Ultimate response will have that level of detail. James wanted that I this discussion. Josh says some of the finds are straightforward and it's easy to agree or not. Others are not as easy. Notes we are actively engaged in practices and concerns regarding management of construction contracts.

Director Yee:

Main question to answer is why we ran through the bond without completing certain projects. Let's address the head-on. Why did we run out of money? Was it incorrectly spent? Local hire and other policies will come up. The culture issue is less interesting to him. Is our current Deputy Chief intent on making the changes needed? He would like to see the concrete steps we are taking. Address allegations of improper conduct. Need evidence that there will be a different result. What will achieve better outcomes?

Director Hindon Hodge:

Doesn't see much analysis bytes GJ of the local business policy. We haven't done good time shoring up that policy. She feels this is discriminatory report. Debate a few years ago when the Glenview project was delayed. Move at that time to suspend local business policy. Let's get clear about whether we support this policy. One of the most egregious problems for her was the Central Kitchen and bad behavior by the lead contractor. Other piece in terms of construction, to say there were overruns is the period where it was most expensive to do construction because of the economy. Need to consider context of the period and time. With the bond, need to be clear who the audience is. She reviewed why the additions/modifications happened.

Director Harris:

Appreciates the clarification from Jumoke. We were working in support of schools with needs, and community concerns. Bring that forward.

In the findings, they name the Central Office as lacking a plan. We've always had a plan. Explain what happened.

Director Torres:

She would shy away from how we respond re new leadership. He's not a new leader. He left and came back. Confusing way to address it. W/regard to GJ, let's talk about what step we are taking. Tangible examples. Could probably also do with copiers, etc. No one is holding that. Let's bring the local hire if that's what other districts typically do. Pay to play culture - that's

part of the internship program. Going to the oversight committee is painful because staff doesn't respond. We could do a deep dive and figure out why each issue identified is coming up. Lawsuit at Central Kitchen was astounding how much we've spent. That's an opportunity for learning.

Director Gonzales:

On p. 11 of the deck, too vague. She agrees with most of the findings. Let's be specific with what we are doing. She'd like to see us strengthen the role of the CBOC so that they are making proactive recommendations before we reallocate bond \$\$\$. Need to do training on nepotism in the Facilities Dept. [Board workplan.] Doesn't know if people are being held accountable. Reporting structure for sr. Business officer. Need to make sure we have a structure that allows the CBO role to talk to the Board about what's going on. Need a dual report structure. People need to be comfortable coming to the Board.

Agrees with the finding regarding the local business utilization. Not good if the funds

Director Yee:

GJ report, p. 37, says some schools need to be updated, some closed. Can the Grand Jury clarify those?

Director Hinton-Hodge:

Doesn't know where the numbers came from regarding whether it's more/less expensive.

Director Eng:

Overall what's not clear to her is of the increase in costs, what is due to what? Should we be adjusting the LBU policy?

Topic Area 3: Board Policies

OUSD has over 650 Board Policies, ARs, exhibits, Board bylaws.

Director Gonzales:

Not a lack of policies, but rather a lack of enforcement. No culture of accountability. Would like to add a whistleblower policy. And we need a policy on unlimited vacation. And competitive bidding.

Director Yee:

Thinks the GJ is arrogant in this discussion. It's not an internal organizational culture. It's an overall culture in the community. At a recent meeting, saw 4.5 hours of public comment. That's something we have to have consensus around, including the community. Whether our organizational culture is broken depends on the larger context.

Director Torres:

The issues in the entire report...maybe new GC can compare with other districts...is issue of ARs, where they are lacking, where they are unclear. Training on different issues. Provide incentives to do better. People not always having on behalf of children at front of mind. Staff should let us know which Board policies address the culture issues.

Director Harris:

Doesn't understand this. Focus on the key policies that are less than six

years old - site governance, 3150, 6006. RBB. Community of schools. Could make a counter argument that the Board has been reliant on those policies to drive our work. We're focused on the policies that change the operation of the District.

Director Hinton-Hodge:

Wishes they had called out the Equity policy, 5032. She recommends to staff that they look at who else is doing the LBU work - look at the City of Oakland. Need to unearth equity in this. Can't see in this report who you're talking about. Scrutiny of African American and Latino men who are holding these smaller contracts. Go into this eyes wide open.

President Eng:

The Board has decided to do the study session on the work plan to discuss whether we want to pursue some of these policies. We don't have capacity to tackle ten new policies this year. Need to prioritize.

Topic Area 4: Board Meetings and Leadership

President Eng:

Proposes an ad Hoc committee to update the governance handbook. Let's revisit whether the policy on public comment is working.

Director Gonzales:

Believes that reinstating the committees in the last two years has helped, is a good step. Another committee to revise the governance handbook is too much. Can we direct more public comment to the committee meetings? Need more site-based discussions on student achievement. Let's have separate consent agendas.

Director Yee:

Let's reduce public comment time significantly as other districts do. Not helpful is prioritizing children at the beginning, find another mechanism for student comment. Board is supposed to be deliberative.

Director Harris:

Agrees with Gary. 40% of the meeting is public comment. "Before or during the item." The idea that everybody gets to weigh in on every item, there's no way to save time, put the important items at the top. We've taken this on as a value. So we either decide that's how we want to do it. He'd like to say we move to a direction that this is a business meeting. Can't speak on every item. Huge point of contention. That's been the case for decades. Does that engagement produce better outcomes for kids? Gary notes it's a GJ recommendation.

Director Hinton-Hodge:

Agrees with them. Have capacity to build an amazing board.

Director Torres:

Agrees we might want to look at how to shorten meetings. Notes that meetings get longer as the school year progresses and we move toward budget adoption. If we own our mistakes, fewer people will come to the meeting. Better relationship with OEA would help. Why are we so combative with teachers? That could help a lot with the impression at school sites. How

do parents appear in community? Can Board members be more visible in their districts, be where parents are? Can't eliminate youth.

General Counsel Josh Daniels - doesn't see any questions the Board has raised here. This may be an opportunity to begin a larger conversation. May lead to additional work for the Board. Shanthi asks Josh to clarify when we'll see the version of the response that has the detail? Josh says we'll see that specific response leading up to Sept. 11 meeting? SG asks if we'll be able to provide input? Josh says yes, within confines of the Brown Act.

Topic Area 5: Culture and Capacity

Director Harris:

These responses are reactionary. We instituted retreat, workplan, other practices in 2012. These are new practices. Opportunity to identify pain points. The 360 staff evaluation is very new. Expectation that these have been in place for decades; just not true. Still trying to figure out how to collaborate between Board and Superintendent.

Director Gonzales:

Grants to strengthen work around retention. Principal Advisory Committee to provide input on budget. The 360 review is important. She'd like to see 360 reviews for all managers.

Director Torres:

Regarding the turnover issue, when you look at outside organizations and consultants, we need help with training, working with HR, understanding why people leave.

Director Hinton-Hodge:

We don't have a fiscally sound organization so it's hard to get to a healthy culture. Akin to living in poverty, always worried about survival. Hates that we have a scarcity mentality. Inherent tension in Topic Area 5.

Public Comment:

Jim Mordecai:

General Counsel used to be hired only by the Board. Now hired jointly with the Supt. That's confusing, a conflict. He also doesn't think the Superintendent should be the secretary to the board. Need an oversight committee when you pass a bond. Measure J - the Board is spending money for the 7-11 Committee. That's the kind of thing the Grand Jury is talking about. That money should be spent for school construction.

Jabari Herbert:

How projects are delivered determines whether you'll have cost overruns. We suffer from overruns because our designs are off. We don't have a true design-build process. The designs are submitted before the contractors can comment. The community supports bond measures when you talk about local hire. Hard to kill the baby without having a fair analysis of how contracting is done. Gotta go design build, even within lease-leaseback. Cost has gone up in the industry over 60%; it's a problem across the board. A lot of stuff is missing from the GJ report. Changing leadership also doesn't help.

Andrea Lowe:

Encourages us to compare our local business policy with other agencies. See what is working better in other places. Agrees with the small, local business policy. Those who live in the community should be able to benefit, participate. Don't just get rid of the policy.

Closing:

Superintendent Kyla Johnson-Trammell:

She thoroughly enjoyed the conversation. Healthy to discuss these hard issues in a respectful way. A lot of our challenges stem from State receivership. Our time post-receivership was akin to being in the ICU then running a marathon without any rehab. She supports our mission, our local business policy, other things we are struggling to implement. These are things we need to do to be a healthy district that support students. Need to figure out how we build capacity. Can't fire your way to greatness. Need to do better with finding the right jobs for people. Need to change our habits. Driven by fear, outcome of turnover. Most employees won't stay during the instability. That's the rehabilitation we need to do. Whatever we think will help kids, we need people to work together. Prioritize what you get better at. We haven't prioritized that. It's five years of work. We have lots of experience getting in rooms and talking. Need to work on how we get better, how we have difficult conversations. Need to be able to run a marathon in a healthy way for our students.

Discussed

D. Adjournment

Vice President Jody London adjourned the Special Meeting at 8:55 P.M.

Prepared By: _____

Approved By: _____