

Oakland Unified School District

Board of Education
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AMERICANS WITH DISABILITIES ACT COMPLIANCE

Individuals requiring a reasonable accommodation to participate in meetings other than handicapped access, should notify the Office of the Board of Education seventy-two (72) hours prior to the meeting at either (510) 879-8678 (VM); or boe@secmail.ousd.k12.ca.us (E-Mail); or (510) 879-8739 (TTY/TDD); or (510) 879-8000 (Fax).

Minutes (Long)

Wednesday, April 27, 2005

4:00 PM

Skyline High School, 12250 Skyline Boulevard, Oakland, CA 94619

Amy Hansen, Principal

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, Jr., at the request of State Administrator Randolph Ward, called the meeting to order at 4:12 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 as printed on the Agenda.

D. Closed Session Item(s)**Labor Matter(s)****05-0268 Conference With Labor Negotiators**

United Administrators of Oakland Schools (UAOS), Service Employees International Union-Local 790 (SEIU), Oakland Education Association (OEA), Oakland Child Development Paraprofessional Association (OCDPA), American Federation of State, County and Municipal Employees- Local 257 (AFSCME), Brotherhood of Teamsters, Auto Truck Drivers- Local 70 of Alameda County, Brotherhood of Teamsters, Warehouse, Mail Order, Retail Employees- Local 853 of Alameda County, American Federation of Teachers/CFT-Local 771 (AFT), Building and Construction Trades Council of Alameda County.

District Representatives: Troy Christmas and Roy Combs, Esq.

Legal Matter(s)**05-0102 Conference With Legal Counsel - Existing Litigation**

Emma Borens v. Oakland Unified School District, Alameda County Superior Court, Case No. 2002-055949.

Pupil Matter(s)

- 04-0626 Readmission Hearing - Student V**

- 04-1467 Expulsion Appeal Hearing - Student O**

- 05-0422 Expulsion Appeal Hearing - Student XX**

- 05-0482 Expulsion Appeal Hearing - Student YY**

- 05-0483 Expulsion Appeal Hearing - Student ZZ**

- 05-0484 Expulsion Appeal Hearing - Student AAA**

E. Recess To Closed Session

Secretary Rakestraw recessed the meeting to Closed Session at 4:13 P.M.

Roll Call (Secretary's Observation)

Director Gregory Hodge present at 4:13 P.M.

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

Roll Call (Secretary's Observation)

Director Kerry Hamill present at 4:15 P.M.

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

F. Reconvene To Public Session

Secretary Rakestraw reconvened the meeting to Public Session at 4:37 P.M. And yielded the chair to Director Kerry Hamill, as Acting President of the Board.

G. Second Roll Call

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

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

Acting President Hamill announced there were no reportable actions from Closed Session.

I. Report of Student Board Members

05-0427 Student Directors' Report

Presentation of Student Directors' Report by Brytteni Floyd-Mayo and/or Anne Chiang.

Neither student director was present to present a report.

Tabled to a Date Certain

Roll Call (Secretary's Observation)

President Gary Yee present at 4:46 P.M.

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

J. State Administrator's Report



05-0465 Quarterly Report on Williams Uniform Complaints

Approval by the State Administrator of the January - March 2005 Quarterly Report on Williams Uniform Complaint Issues.

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: 5 - Dan Siegel, Anne Chiang, Noel Gallo, Brytteni Floyd-Mayo and David Kakishiba
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

K. Public Hearing(s)

Student Achievement



[05-0430](#) District's Sufficiency of Textbooks and Instructional Materials - FY 2004-2005

Public Hearing and Adoption of Resolution No. 0405-0117 - Sufficiency of Textbooks and Instructional Materials - Fiscal Year 2004-2005 and authorization for same to be submitted to the California Superintendent of Public Instruction.

Attachments: [05-0430_Sufficiency_of_Textbooks_and_instructional_Materials_2004-2005\[1\].pdf](#)

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: 5 - Dan Siegel, Anne Chiang, Noel Gallo, Brytteni Floyd-Mayo and David Kakishiba
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

Fiscal



[05-0463](#) High Priority Schools Grant Program - Schools Not Achieving Academic Growth Targets - 2002-3; 2003-4

Public Hearing and Report - High Priority Schools Grant Program (HPSGP) Schools That Did not Achieve Academic Growth Targets In Both 2002-3 and 2003-4 in District:

Acorn Woodland Elementary School

Attachments: [WEBxtender](#)
[05- 0463 - AWE HPSG MONITORING REPORT.ppt dn.ppt](#)

Tabled to a Date Certain

State Administrator and/or Board of Education



04-1310 Multi-Year Financial Recovery Plan

Public Hearing - District's Multi-Year Financial Recovery Plan (MYFRP).

Attachments: [2nd Interim Oakland.ppt](#)
[RBB Training v02-23-05.ppt](#)
[04-1413_District's_Multi-Year_Fiscal_Recovery_Plan_-_Fiscal_Years_2005-7\[1\].pdf](#)

President Yee assumed chair and opened the Public Hearing on MYFRP.

Ronald Cruz, Organizer, BAMN, said the plan is very difficult to understand and the improvements to education are unclear.

Jean Parker, parent, had procedural questions.

Wandra Boyd stated the need to focus on educating our students.

Director Hamill said there is a need for parent involvement in the plan. Parents need to be connected to the school site. She requested a budget for the Central Office Redesign and suggested a parent education component be built into the plan. She also recommended we institute a teacher-principal evaluation procedure for parents and community. She asked Dr. Ward if he planned to reuse school sites next year and if so, what is his plan.

Director Hodge said the plan needs a timeline and agreed with Director Hamill's comments regarding civic/parent/student engagement part and put a dollar amount on that.

Director Siegel said we need to focus on the fiscal aspects of the plan because its success will depend on whether some of the major assumptions can be borne out. He spoke to financial issues surrounding employee compensation/health benefits/rising costs/declining enrollment; and that we're buying into a system that does not meet the needs of our children. The kids are being short changed and it will not change until we do something on a state-wide level to convince our political leaders that taxes have to be raised and we need decent money to fund public education.

Lydia Robbs, teacher, spoke about the balance between class size and number of experienced teachers compared with new teachers who have newer techniques coming in. The teachers in high performing schools tend to have more teaching experience.

Mynette Theard, President, SEIU, Local 790, commented on the loss of classified positions at school sites.

Nely Obligacion, Business Rep., SEIU Local 790 and parent, said the Central Office redesign eliminates 50 SEIU classified positions and 90 other positions in the District at a savings of \$4 million which Dr. Ward is using for more management positions.

Alice Brumfield, Lead Electrician, asked Dr. Ward to lift the freeze on hiring in the B&G Department. Over the past year, the Electrical Department has lost 9 people. They do not have the staff to provide the same level of service as in the past.

Steven Murphy, Electrical Shop, said contractors need to be held accountable for their work.

Other speakers spoke on issues of resources available for students to attend college, requirements of NCLB and its effect on the RBB; using a merit system vs. seniority system for teachers.

Vice President Kakishiba spoke on the issue of members of the public addressing the Board on elimination of positions. If we are following procedures, no one should be complaining.

Director Hamill stressed the importance of talking about solutions when we are discussing problems. Our fundamental job of serving the students is to keep our budget stable. She requested analysis of incoming state information and details of anticipated matching funds from the State. We will need a bond measure which will include maintenance work and modernization of our facilities. The Board should send a letter to State Superintendent of Instruction O'Connell and attend State budget subcommittees and ask for forgiveness of several years on our annual \$4 million repayment of our loan. She would request a discussion on police services which is costing us \$1 million. She and other school community members are very dissatisfied and we need to determine whether we should reprogram the funds into the classroom. We should not just be talking about money--we should be talking about education.

Director Gregory Hodges said the plan presented by the State Administrator is not the community's or school board's plan. For it to become the Oakland plan, we need to be able to weigh in on it. He would encourage folks to understand the background before making critical remarks.

Director Siegel asked if community input could lead to changes in the fiscal recovery plan, President Yee said the State Superintendent of Public Instruction is welcoming public comment on the plan.

Vice President Kakishiba said it is still important for all board members to take the fiscal recovery plan to as many constituents as possible to inform them that it is out there.

State Administrator Ward, at the request of Board members and members of the public, agreed to continue hearings through and to schedule formal approval of plan at the State Administrator/Board Meeting on May 25, 2005.

State Administrator Ward also agreed, at the request of a member of the public, to

establish a discussion web site on the MYFRP.

President Yee closed the public hearing.

Hearing Held

Roll Call (Secretary's Observation)

Director Dan Siegel present at 4:50 P.M.

Roll Call: Present: Kerry Hamill, Gregory Hodge, Dan Siegel, Alice Spearman, Gary Yee, and Randolph Ward

Absent: Anne Chiang, Noel Gallo, Brytteni Floyd-Mayo, and David Kakishiba

Roll Call (Secretary's Observation)

Vice President David Kakishiba present at 5:20 P.M.

Roll Call: Present: Kerry Hamill, Gregory Hodge, Dan Siegel, Alice Spearman, David Kakishiba, Gary Yee, and Randolph Ward

Absent: Anne Chiang, Noel Gallo, and Brytteni Floyd-Mayo

Roll Call (Secretary's Observation)

Director Dan Siegel absent from meeting at 6:30 P.M.

Roll Call: Present: Kerry Hamill, Gregory Hodge, Alice Spearman, David Kakishiba, Gary Yee, and Randolph Ward

Absent: Dan Siegel, Anne Chiang, Noel Gallo, and Brytteni Floyd-Mayo

L. Special Recognitions and Presentations

None

M. Public Comments on All Other Agenda and Non-Agenda Items

Marta Kamiya, Kindergarten teacher, Melrose Elementary School, asked the school district to conduct an independent investigation into the signatures of the two proposed charter petitions submitted by Education for Change for Hawthorne and Cox Elementary Schools.

Alice Brumfield, Electrical Department, Buildings and Grounds, mentioned the shop provides electrical installation and service maintenance, including intrusion alarms, fire alarms, telephones, clocks, bells, and P.A. systems for the whole district which needs to be taken care of by nine people. She, again, asked Dr. Ward to lift the hiring freeze so they can hire somebody.

Steve Murphy, Electrical Shop, said contractors are constantly are getting away with substandard, incomplete and incorrect work. The District needs someone to ensure contractors fulfill their contracts.

Shireen Sohrabji asked when the MYFRP would be adopted. We should ask our local legislators to ask Sacramento officials to foregive our loan for a specified number of years.

Nely Obligacion spoke on creation of management positions and the downsizing/downgrading of classified positions.

Mynette Theard, President of SEIU, commented on elimination of classified positions.

N. Adoption of General Consent Report

Student Achievement



[05-0363](#)

Amendment No. 3 - Professional Services Agreement - Sudha S. Mani - Data Systems Development

Ratification by State Administrator, on behalf of the District, of Amendment No. 3 of Professional Services Agreement with Sudha S. Mani, for the latter to modify the design of and implementation of OAKS afterschool attendance database system in the Research and Assessment Department, in an additional amount of \$33,600.00, increasing the current contract from a not to exceed amount of \$66,440.00 to a not to exceed amount of \$100,040.00 for the period April 4, 2005 through June 30, 2005.

Funding Source: General Purpose Fund

Attachments: [WEBxtender](#)

Tabled to a Date Certain



[05-0407](#)

Amendment No. 1 - Professional Services Agreement - EBS Healthcare - Speech-Language Pathology Services - Programs for Exceptional Children

Approval by State Administrator on behalf of the District of Amendment No.1 of Professional Services Agreement with EBS Healthcare, for the latter to provide additional Speech-Language Pathology Therapists, Occupational and Physical Therapists, Special Education Teachers and School Psychologists for the Special Education Program in an additional amount of \$155,820.00, increasing the current contract from a not to exceed amount of \$126,000.00 to a not to exceed amount of \$281,820.00 from the period September 1, 2005 through June 30, 2005.

Funding Source: Local Assistance Entitlement

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.

Human Resources



05-0458 Personnel Report No. 0005-0014

Approval of Personnel Report No. 0005-0014.

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



05-0459 Application -- Preliminary and Professional Clear Credential for District Interns - Project Pipeline

Approval of State Administrator on behalf of the District of a recommendation/application to the Commission on Teacher Credentialing requesting a Preliminary and/or Professional Clear Credential be issued to the following Project Pipeline intern teachers:

Dirk Manskopf
Xiaojie Mason; and
Lizet Mendoza

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



05-0464 Resolution No. 0405-0120 - Creation of Certain Classified Positions in the District

Approval by State Administrator of Resolution No. 0405-0120 for the creation of certain Classified positions in the Department of Student, Family and Community Services.

Create:

Position Title/FTE	Salary Schedule/Range
Student Attendance Compliance Officer (6.0 FTE)	SEIU, Local 790 White Collar Salary Schedule, Range 36 \$33,489.72 - \$44,787.60 annually 10 mos., 7.5 hrs.

Creation of these positions as specified herein authorizes the State Administrator to fill the newly created positions subject to the District's employment procedures.

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



05-0466 Resolution No. 0405-0109 - Reduction and/or Elimination of Certain Classified Positions in the District

Approval of Resolution No. 0405-0109 -Reduction and/or elimination of certain classified positions as specified herein due to lack of funds:

No. of Positions (FTEs)	Position Title
5.0	Academic Mentor
3.0	Administrative Assistant I
1.0	Administrative Assistant II
3.43	Assistant Attendance Clerk
1.5	Attendance Clerk
4.5	Clerk
3.0	Clerk Typist
3.0	Clerk Typist Elementary School A
2.0	Community Assistant
1.0	Community Assistant Cantonese Bilingual
2.0	Community Assistant Spanish Bilingual
2.0	Community Coordinator-Program Assistant
2.0	Community Relations Assistant I
1.0	Community Relations Asst. II Bilingual (Spanish)
11.0	Community School Coordinator
1.0	Custodian Field Supv.
1.0	Custodian Service Adm. Supv. I
1.0	Deputy Superintendent of Business Services (CF)
1.0	Deputy Superintendent of Schools (CF)
1.0	Elem. Sch. TCA Bil. Spanish
1.0	Extended Day Site Liaison
19.0	Food Service Assistant I
2.27	Food Service Assistant III
1.6	Food Service Manager I
1.0	Food Service Manager II
2.13	Food Service Manager III
1.6	Health Assistant
4.4	Instructional Assistant
0.8	Instructional Assistant - Comp. Oper.
0.8	Instructional Assistant Mien Bilingual
0.8	Instructional Assistant Cantonese Bilingual
6.4	Instructional Assistant Spanish Bilingual
0.8	Instructional Assistant Vietnamese Bilingual
1.0	Intermediate Clerk Typist
1.5	Intermediate School Typist Clerk
1.0	Intermediate Typ. Clk. Spanish Bilingual
1.0	Library Clerk
0.85	Noon Supervisor
1.0	Office Manager
1.0	Outreach Consultant
2.0	Physical Education Attendant
1.0	Program Assistant I
1.0	Receptionist
2.0	School Secretary Elem. A
1.0	School Secretary Intermediate
1.0	School Secretary Sr. High

2.0 Secretary
 2.0 Senior Clerk Typist
 1.0 Typist Clerk Spanish Bilingual
 Total FTEs: 114.48

Attachments: [WEBxtender](#)

This item, prior to vote, was revised as follows: The reductions for Food Service Assistant I was changed to 19.0 FTE from 31.6 FTE; Food Service Assistant III to 2.27 FTE from 3.2 FTE and Food Service Managers IV and V proposed 1.87 FTE each were reduced to 0 FTE or eliminated.

This Matter was Adopted on the Consent Agenda.



05-0481

Resolution No. 0405-0122 -- Reduction and/or Elimination of Particular Kinds of Service in the Child Development Centers

Approval of Resolution No. 0405-0122 -- Reduction and/or elimination of particular kinds of services in the District's Child Development Centers, pursuant to the requirements of California Education Code 8366.

Classification	Elimination of FTE Positions
CDC Permit Teacher	20.0

Total FTE: 20.0

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



05-0450

Release Agreement - Chicago Community Foundation - Chicago High School Redesign Initiative - Allie Whitehurst

Approval by State Administrator on behalf of the District of a Release Agreement between the District and the Chicago Community Foundation for the on-loan services of Allie Whitehurst, subject to form and content approval of Agreement by General Counsel, for the latter to serve as Deputy Director of the Chicago High School Redesign Initiative, working in partnership with the Director of the Small Schools Office of the Chicago Public Schools in the redesign process of five comprehensive high schools into small schools, for the period July 1, 2004 through June 30, 2005, with costs reimbursable to the District in the amount of salary and benefits.

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.

Fiscal



05-0460

District Grant Application - California Department of Education - Various

Schools

Approval and support by the State Administrator on behalf of the District of a Grant Application to California Department of Education, seeking Urban Math Project Grant to intergrate technology enriched strategies to improve mathematics achievement of students scoring basis and below basic on the CST at Frick, Havenscourt, Madison, Simmons, Brewer, Bret Harte and Montera Schools, increasing teacher's ability to utilize technology for classroom instruction and to provide differentiation of instructional strategies for individual students, and increase student and family access to technology resources in their homes and community in the amount of \$1,515,008.70, for the period of July 1, 2005 to August 31, 2006 and, if awarded. to accept same, in whole or 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.



05-0461

District Grant Application - United States Department of Education - Various Schools

Approval and support by the State Administrator on behalf of the District of a Grant Application to United States Department of Education, seeking funding for students to participate in an intergenerational Storybridge language arts program for Bella Vista, Garfield, Jefferson, King, Laurel, Lakeview, Lincoln, Peralta, Sequoia, Whittier and Tilden Schools in the amount of \$275,200.00, for the period of September 1, 2004 to June 30, 2005 and, if awarded. to accept same, in whole or part, pursuant to terms and conditions thereof, if any.

Funding Source: United States Department of Education, Educational Technology Office

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



05-0462

District Grant Application - City of Oakland Cultural Funding Program - Various Schools

Approval and support by the State Administrator on behalf of the District of a Grant Application to City of Oakland Cultural Funding Program, seeking funding for students to participate in an intergenerational Storybridge language arts program for Bella Vista, Garfield, Jefferson, King, Laurel, Lakeview, Lincoln, Peralta, Sequoia, Whittier and Tilden Schools in the amount of \$15,500.00, for the period of September 1, 2004 to June 30, 2005 and, if awarded. to accept same, in whole or part, pursuant to terms and conditions thereof, if any.

Funding Source: City of Oakland Cultural Funding Program

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.

Facilities



[05-0431](#)

Small Construction Contract - ACE World-Wide Moving - Horace Mann Elementary School Site Reutilization Project

Ratification by State Administrator, on behalf of the District, of Small Construction Contract with ACE World-Wide Moving, Milpitas, CA, for the latter to furnish five 26'x9'x9' containers for storage for ongoing modernization in conjunction with the Horace Mann Elementary School Site Reutilization Project for the period commencing October 1, 2004 and terminating February 28, 2005 in an amount not-to-exceed \$6,500.00.

Funding Source: General Obligation Bond

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



[05-0432](#)

Change Order No. 10 - Albay Construction Co - Burckhalter Elementary Modernization Project

Ratification by State Administrator, on behalf of the District, of Change Order No. 10 with Albay Construction Co, Martinez, CA, for the latter to provide a workstation in the reception area to comply with current Americans with Disabilities Act (ADA) requirements, replace roof drains, laminate window sills, round trim at new vinyl coating on existing tack board and to provide new counter tops, sinks, faucets and paint in rooms A-210 and A-135, in conjunction with the Burckhalter Elementary Modernization Project in an amount not-to-exceed \$56,537.33 increasing the Agreement from \$2,587,683.66 to \$2,644,220.92 and extending the end date from September 30, 2004 to November 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.



[05-0433](#)

Amendment No. 1 - Arthur Tam & Associates - Crocker Highlands Elementary Modernization Project

Ratification by State Administrator, on behalf of the District, of Amendment No. 1 to Professional Services Agreement with Arthur Tam & Associates, Oakland, CA, for the latter to modify drawings to implement the District's latest technical standards for data which requires power outlets and data jacks to be installed in each classroom in conjunction with the Crocker Highlands Elementary Modernization Project in an amount not to exceed \$20,000.00, increasing the Agreement for \$200,000.00 to a not-to-exceed amount of \$220,000.00. 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.

[05-0434](#)**Change Order No. 1 - Bohm Environmental Solutions - Castlemont High School Shop Building Project**

Ratification by State Administrator, on behalf of the District, of Change Order No. 1 with Bohm Environmental Solutions, Oakland, CA, for the latter to remove asbestos from pipe lagging in conjunction with the Castlemont High School Shop Building Project in an amount not to exceed \$15,964.00, increasing the Agreement from \$39,777.00 to a not-to-exceed amount of \$55,741.00. 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.

[05-0435](#)**Resolution No. 0405-0104 - Kudsk Construction - Castlemont High School Shop Building Project**

Ratification by State Administrator, on behalf of the District, of Resolution No. 0405-0104, awarding bid and construction contract to Kudsk Construction, Berkeley, CA, for the latter to renovate the Castlemont High School Shop and Drafting Building into the East Oakland School of the Arts, including seismic retrofitting, installing fire alarms, intercoms and accessible restrooms in conjunction with the Castlemont High School Shop Building Project for the period commencing April 11, 2005 and ending on September 8, 2005 in an amount not to exceed \$2,965,000.00.

Funding Source: General Obligation Bond

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.

[05-0436](#)**Change Order No. 2 - L C General Engineering - Bella Vista CDC Project**

Ratification by State Administrator, on behalf of the District, of Change Order No. 2 with L C General Engineering, San Francisco, CA, for the latter to demolish existing concrete footings and foundations, pour new footings due to poor soil conditions, paint interior and exterior of the portable building, furnish and install new security window guards, furnish and install sheet metal flashing, pour 130 yards of slurry concrete in trenches due to weather conditions, provide and install new flooring throughout portable, be compensated for additional cost to install Phase I building sections with a crane due to the installation of Phase II before Phase I, less cost savings received due to change in scope due to the addition of cost Phase II portable from Cesar Chavez, in conjunction with the Bella Vista CDC Project in an amount not to exceed \$58,040.00 increasing the contract from \$1,406,285.00 to \$1,464,325.00 and extending the end date from February 28, 2005 to April 10, 2005. 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.



[05-0437](#)

Professional Services Agreement - Loving & Campos Architects Inc. - Chabot Elementary Portable Restroom Project

Ratification by State Administrator, on behalf of the District, of Professional Services Agreement with Loving & Campos Architects Inc., Walnut Creek, CA, for the latter to provide architectural and engineering services including electrical, plumbing, minor civil engineering and building manufacturing coordination, Division of State Architect processing, limited construction administration and job closeout services, in conjunction with the Chabot Elementary Portable Restroom Project for the period commencing March 1, 2005, and concluding upon completion of the desired services described therein, but no later than December 13, 2005 in an amount not to exceed \$19,500.00.

Funding Source: General Obligation Bond

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



[05-0438](#)

Amendment No. 1 - Martin Ron & Associates - Urban Promise Academy Modernization Project

Ratification by State Administrator, on behalf of the District, of Amendment No. 1 to Professional Services Agreement with Martin Ron & Associates, San Francisco, CA, for the latter to perform a topographical survey of the asphalt lot on the northerly section of the school site in conjunction with the Urban Promise Academy Modernization Project in an amount not to exceed \$2,400.00 increasing the Agreement from \$24,700.00 to a not-to-exceed amount of \$27,100.00. 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.



[05-0439](#)

Professional Services Agreement - Martin Ron & Associates - Bret Hart Middle School Modernization Project

Ratification by State Administrator, on behalf of the District, of Professional Services Agreement with Martin Ron & Associates, San Francisco, CA, for the latter to perform a boundary, topographical and utility survey of the Bret Harte Middle School Campus, and prepare a perimeter boundary legal description and plat for the purpose of merging separate parcels into a single parcel in conjunction with the Bret Hart Middle School Modernization Project for the period commencing March 21, 2005 and concluding no later than July 1, 2005 in an amount not to exceed \$39,680.00.

Funding Source: General Obligation Bond

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.

[05-0440](#)**Amendment No. 1 - Marvin Saltzberg - Various Sites - ADA Increment III Project**

Ratification by State Administrator, on behalf of the District, of Amendment No. 1 to Professional Services Agreement with Marvin Saltzberg, Hercules, CA, for the latter to continue to provide state required inspection services due to changes required by the Division of State Architects, project delays and during the implementation of Americans with Disabilities Act required signage and construction in conjunction with the Various Sites - ADA Increment III Project in an amount not to exceed \$20,700.00 increasing the Agreement from \$40,000.00 to a not-to-exceed amount of \$60,700.00, and extending the end date from October 15, 2004 to August 31, 2005. 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.

[05-0441](#)**Amendment No. 1 - Marvin Saltzberg - Various Sites - ADA Increments I and II Project**

Ratification by State Administrator, on behalf of the District, of Amendment No. 1 to Professional Services Agreement with Marvin Saltzberg, Hercules, CA, for the latter to continue to provide state required inspection services due to changes required by the Division of State Architects, project delays and during the implementation of Americans with Disabilities Act required signage and construction in conjunction with the Various Sites - ADA Increments I and II Project in an amount not to exceed \$6,900.00, increasing the Agreement from \$50,657.54 to a not-to-exceed amount of \$57,557.54 and extending the end date from August 31, 2004 to August 31, 2005. 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.

[05-0442](#)**Amendment No. 1 - National Carport Industries - Old Chabot Community Day School Site Reutilization Project**

Ratification by State Administrator, on behalf of the District, of Amendment No.1 to Professional Services Agreement with National Carport Industries, Reno, NV, for the latter to change the covered lunch structure from a 12' x 100' to two 12' x 50' structures, which will include the addition of one 10" x 10" x 3/16" galvanized column with concrete footing, and to include cost of bonds that were not included in the original contract ... in conjunction with the Old Chabot Community Day School Site Reutilization Project in an amount not to exceed \$2,760.50, increasing the Agreement from \$28,782.50 to a not-to-exceed amount of \$31,543.00. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: Site Reutilization

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



05-0443

Professional Services Agreement - PGA Design Inc. - King Estates Middle School Site Reutilization Project

Ratification by State Administrator, on behalf of the District, of Professional Services Agreement with PGA Design Inc., Oakland, CA, for the latter to provide irrigation and landscaping design services and project administration services during landscaping in conjunction with the King Estates Middle School Site Reutilization Project for the period commencing August 26, 2004 and concluding no later than March 31, 2005 in an amount not to exceed \$9,650.00.

Funding Source: Site Reutilization

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



05-0444

Amendment No. 1 - SPI Consulting - Bret Harte Middle School Retaining Wall Project

Ratification by State Administrator, on behalf of the District, of Amendment No. 1 of Professional Services Agreement with SPI Consulting, Oakland, CA, for the latter to provide additional design services to meet Division of State Architect standards in conjunction with the Bret Harte Middle School Retaining Wall Project in an amount not to exceed \$4,000.00 increasing the Agreement from \$16,900.00 to a not-to-exceed amount of \$20,900.00, and extending the end date from May 18, 2004 to June 30, 2005. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: Deferred Maintenance

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



05-0445

Amendment No. 6 - Stafford King Wiese Architects - Allendale Elementary Two-Story Building Project

Ratification by State Administrator, on behalf of the District, of Amendment No. 6 of Professional Service Agreement with Stafford King Wiese Architects, Sacramento, CA, for the latter to provide, due to Aurora Modular bankruptcy, additional architectural, electrical and mechanical engineering services including building fire sprinkler shop drawing review, gas utility calculations and building punch list and Division State Architect closeout in conjunction with the Allendale Elementary Two-Story Building Project in an amount not to exceed \$24,567.50 increasing the Agreement from \$255,918.33 to a not-to-exceed amount of \$280,485.83, and extending the end date from October 31, 2004 to December 31, 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.



[05-0446](#)

Amendment No. 7 - Stafford King Wiese Architects - Allendale Elementary Two-Story Building Project

Ratification by State Administrator, on behalf of the District, of Amendment No. 7 to Professional Services Agreement with Stafford King Wiese Architects, Sacramento, CA, for the latter, due to bankruptcy of Aurora Modular, to provide additional architectural, electrical and mechanical engineering services and a punch list and Division State Architect closeout documents in conjunction with the Allendale Elementary Two-Story Building Project in an amount not to exceed \$15,239.00 increasing the Agreement from \$280,495.83 to a not-to-exceed amount of \$295,734.83, and extending the end date from October 31, 2004 to April 30, 2005. 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.



[05-0447](#)

Professional Services Agreement - Testing Engineers, Inc - Parker Elementary School Modernization Project

Ratification by State Administrator, on behalf of the District, of Professional Services Agreement with Testing Engineers, Inc., San Leandro, CA, for the latter to test reinforcing steel, cast in place concrete, shotcrete, grout under base plates, structural steel and provide lab work as required in conjunction with the Parker Elementary School Modernization Project for the period commencing November 1, 2004 and concluding no later than December 31, 2005 in an amount not to exceed \$89,782.00.

Funding Source: General Obligation Bond

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.



[05-0448](#)

Small Construction Contract - Weatherly Striping Company - Foster Elementary School Parking Lot Striping Project

Ratification by State Administrator, on behalf of the District, of Small Construction Contract with Weatherly Striping Company, San Carlos, CA, for the latter to stripe the asphalt paving for approximately thirty-five parking stalls and remove one tetherball post in conjunction with the Foster Elementary School Parking Lot Striping Project for the period commencing April 1, 2005 and terminating July 31, 2005 in an amount not to exceed \$1,158.00.

Funding Source: Site Reutilization

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.

 **05-0449 Small Construction Contract - Redgewick Construction Company - Piedmont Elementary School Addition Project**

Ratification by State Administrator, on behalf of the District, of Construction Contract with Redgewick Construction Company, Hayward, CA, for the latter to pave 29,500 square feet of new base rock with three inch asphaltic concrete in the rear of the school campus in conjunction with the Piedmont Elementary School Addition Project for the period commencing January 11, 2004, and terminating January 17, 2005 in an amount not to exceed \$51,801.45.

Funding Source: General Obligation Bond

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.

State Administrator and/or Board of Education

 **05-0428 Agreement - Oakland Unified School District Redesign Fund - East Bay Community Foundation**

Approval by State Administrator, on behalf of the District, of Agreement with East Bay Community Foundation (EBCF), Alameda, CA, creating a charitable fund at the EBCF under the name of Oakland Unified School District Redesign Fund and setting out the terms and conditions of said Fund.

Attachments: [WEBxtender](#)

This Matter was Adopted on the Consent Agenda.

 **05-0221 Decision - American Indian Public Charter High School**

Approval by State Administrator of request by officials of American Indian Charter School to withdraw, vacate or cancel its Petition and Charter to establish American Indian Public Charter High School, submitted on February 9, 2005, without prejudice to submission of a new petition and charter in the future.

Attachments: [WEBxtender](#)
[05-0221 - American Indian Public High Charter School.pdf](#)

This Matter was Adopted on the Consent Agenda.

 **05-0486 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 meeting:

Regular Meeting, April 13, 2005.

Attachments: [WEBxtender](#)
[1899_M_State_Administrator_and_or_Board_of_Education_05-04-13_Mee ting_Minutes_\(Long\).pdf](#)

This Matter was Adopted on the Consent Agenda.

Adopted the General Consent Report

See revised or amended Legislative File 05-0466.

A motion was made by Randolph E. Ward, seconded by Randolph E. Ward, to Adopted as Amended, 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: 4 - Dan Siegel, Anne Chiang, Noel Gallo and Brytteni Floyd-Mayo
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

O. Unfinished Business

None

P. New Business

None

Q. Adoption of the Pupil Discipline Consent Report

04-0626 Readmission Hearing - Student V

04-1467 Expulsion Appeal Hearing - Student O

05-0422 Expulsion Appeal Hearing - Student XX

05-0482 Expulsion Appeal Hearing - Student YY

05-0483 Expulsion Appeal Hearing - Student ZZ

05-0484 Expulsion Appeal Hearing - Student AAA**Adopted the Pupil Discipline Consent Report**

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: 4 - Dan Siegel, Anne Chiang, Noel Gallo and Brytteni Floyd-Mayo
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

R. Board Discussion

President Yee stated the Board has been discussing a transitional plan in preparation for Dr. Ward's presentation of the Multi Year Recovery Plan. There have been some complications as a result of the State administration and in terms of the Board being able to convene meetings in light of the Brown Act. Director Spearman asked if the Board could convene a public meeting and take official action on a resolution. General Counsel Roy Combs responded SB39 does not prohibit the Board from meeting in an advisory capacity as long as it complies with the Brown Act posting requirements and adheres to its own Board rules.

President Yee referred to the letter he prepared for transmittal to State Superintendent of Instruction Jack O'Connell which he presented to Board members for comment. He asked whether it should be sent as a letter or formal resolution from the Board. Mr. O'Connell is being requested to establish a governance transition timeline which would include specific deadlines for completion of strategic deliverables, such as the multi year fiscal year recovery plan and implementation of town hall meetings in the seven school board districts to determine the future direction of the district and other funding initiatives that may come as a result of our meetings; organization of community-driven, superintendent search selection process, anticipating the return to local control of at least part of the District; provision of a development plan and consultation to the advisory board in preparation for returning to a governing board which assumes policy and oversight functions; and identification and delineation of roles and responsibilities for the duration of the transition process.

Director Gregory Hodge said the Board should discuss a specific timeline for the transition to culminate. President Yee requested the Board Secretary to schedule an advisory

meeting of the whole board at the end of the next regular State Administrator/Board meeting to discuss the resolution and/or letter to Jack O'Connell.

Dr. Ward mentioned the Measure E committee allocated \$3.2 million to maintain middle school elective courses, including \$1.2 for AVID/AP Schools, \$1 million for middle school electives, and \$1 million for counseling; \$1.5 million for health benefits for teachers; and \$3.45 million to maintain the libraries, music and arts program. The final recommendations will be posted on the District's web site under DBAC draft minutes today.

President Yee talked about the controversy caused by the conversion/charter of the Year 4 schools and the ensuing debate about some of the signatures and requests by members of the community to do independent investigation.

Director Spearman listed her concerns about the process used in obtaining signatures for the charter conversion at Cox saying the school community did not have input in the conversion process and they are not comfortable with the charter school entity. State Administrator Ward said we opted not to close the Year 4 schools and allow state conversion. We are moving ahead with school reconstitution, even those that have a petition in. We've been moving ahead without the assumption that anything is going to change any different than the other six schools. Mr. Combs said Education Code section 47605 relates to Charter Schools.

S. Adjournment

President Yee adjourned the meeting at 7:43 P.M.

Prepared By: _____

Approved By: _____