

# Oakland Unified School District

Board of Education  
Paul Robeson Building  
1025 2nd Avenue, Suite 320  
Oakland, CA 94606-2212  
(510) 879-8199 Voice  
(510) 273-3235 Fax  
(510) 273-3474 TTY/TDD



## ACCESSIBILITY OF AGENDA AND AGENDA MATERIALS

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## **Meeting Minutes Long - Final**

**Wednesday, March 7, 2012**

**6:00 PM**

## **Special Meeting**

**Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA  
94606-2212 & Hilton Garden Inn, 801 Via San Clemente, Montebello, CA, 90640**

## **Board of Education**

*President Jody London*

*Vice President Jumoke Hinton Hodge*

*Directors: Gary Yee, David Kakishiba, Noel Gallo, Christopher Dobbins, Alice Spearman*

*Student Directors: Isabel Montoya, Donovan Reid*

*Staff: Edgar Rakestraw, Jr., Secretary, Board of Education*

**A. Call To Order**

*President Jody London called the meeting to order at 6:10 p.m.*

**B. Roll Call**

**Present** 5 -

Director David Kakishiba, Director Noel Gallo, Director Christopher Dobbins, Director Jumoke Hodge, and Director Jody London

**Absent** 4 -

Student Director Isabel Montoya, Student Director Donovan Reid, Director Gary Yee, and Director Alice Spearman

**C. Unfinished Business**

**Public Hearing - Charter Petition(s) & Decision**

**Roll Call (Secretary's Observation)**

*Director Gary Yee, as noticed with posted agenda, present via telephone, at approximately 6:12 p.m.*

**Present** 6 -

Director David Kakishiba, Director Gary Yee, Director Noel Gallo, Director Christopher Dobbins, Director Jumoke Hodge, and Director Jody London

**Absent** 3 -

Student Director Isabel Montoya, Student Director Donovan Reid, and Director Alice Spearman

[12-0595](#)**Education for Change - Ascend Elementary School - Conversion Petition and Proposed Charter**

Public Hearing and Decision - Approval by Board of Education of Education for Change - Ascend Elementary School Conversion Petition and Proposed Charter, pursuant to terms and conditions contained in the staff report dated March 7, 2012, incorporated herein by reference as though fully set forth.

**Funding Source: General Purpose**

**Attachments:** [12-0595 - Education for Change - Ascend Elementary School - Conversion Petition and Proposed Charter.pdf](#)  
[12-0595 - Presentation - Public Hearing - AES - March 7, 2012](#)  
[12-0595 - Decision - AES Conversion Petition and Proposed Charter](#)

*President London opened the joint hearing for matters represented by Legislative Files 12-0595 and 12-0596 at 6:12 p.m.*

*Leo Fuchs, Principal, Learning Without Limits Elementary School, and Larissa Adams, Principal, Ascend Elementary School, addressed the Board. They thanked Superintendent Smith, staff members, and Board Members for the consideration and they are grateful for the opportunity to collaborate with the school district to envision a new way to work together to better meet the needs of Oakland's children. Ms. Adams said they are eager to make our schools a place where the District, Education for Change (EFC), ASCEND, and Learning Without Limits (LWL) can partner to create a climate for innovation to leverage the best of both worlds and learn from each other. They see this as a key path towards realizing the District's Strategic Plan, towards realizing the goal of creating a full service community District that serves the whole child, eliminates inequity, and provides each child with excellent teachers for every day.*

*Mr. Fuchs stated they continue to aspire to the day when all schools in the District will have the conditions necessary for the highest levels of success so that they may return fully to the District as District schools. He said they feel deeply connected to the four conditions that continue on multiple fronts.*

**Public Speakers:**

*Ms. Adams said they hope that their charter school MOU changes the conversation about education in Oakland, focusing more on the needs of kids and pushing us to significantly change our broken system, leading us to a greater level of autonomy and accountability for all schools, and producing radically different outcomes for our students.*

*Brett Wilson, founding teacher, ASCEND, said the highest priority for the ASCEND community is to serve students and support them in reaching their fullest potential. They welcome the opportunity to partner with the District and EFC who share their goal.*

*Hattie Saunders, founding teacher, ASCEND, stated the partnership will allow them to continue building and improving their unique instructional program while maintaining equity and enrollment for Oakland families. It will provide access to professional development, teaching resources, and a broader, more diverse teacher community. In the spirit of creating a full service community District, the partnership will guarantee continued collaboration with District administration and schools who strive to create their own unique instructional program that best serves their community. They look forward to building a strong partnership with the District.*

*Morgan Alcantra, founding teacher, LWL, said the teachers are very excited about the new*

partnership. Throughout the process the teachers have wished there was a way to gain the conditions they need to best serve their students and to stay connected to the District.

Kathy Cash thanked the District on behalf of all the parents at LWL and they welcome the new relationship and they hope the conditions for a better education are met for all the kids in the District. Today, they affirm that they stand side by side as equal and working together to better educate our future.

Eliana Mendoza, parent, ASCEND, said the school community thanks the District in advance for considering the new partnership and working with the community to address our children's needs.

Mary Rose Touric, parent, ASCEND, thanked staff for working with ASCEND on the modified charter application. They see good possibilities to learn from each other in how best to implement the four key autonomies in the areas of curriculum, budget, staffing, and scheduling.

Brian Rogers, President of the Board of Education for Change Public Schools, said they are enthusiastic for the potential partnership and about the potential of creating partnership schools to allow for more expansive autonomy and keeping resources in the District. The partnership schools, if successful, will lead to a more efficient use of resources, more flexibility in the operations of the schools, and better educational outcomes for the students and families. They appreciate the Superintendent's willingness to work with EFC after the initial denial and are appreciative of the efforts from staff in order to create an effective and efficient MOU. If approved tonight, EFC looks forward to building and fostering this partnership model with the District, and to working closely together as all charter schools in Oakland should in order to improve conditions for all Oakland students.

E. W. Wainwright, Positive School Climate Coach, McClymonds High School, said we would be remiss in our humanism if we did not recognize and honor the struggles that were experienced in order to reach tonight's decision.

#### BOARD DISCUSSION

Director Gallo thanked parents and school leadership of the two schools. He said It is clear that Oakland has to do something differently to attract children and families. We recognize that we cannot continue to teach like we have done for the past 200 years and have the factory model institution like it is in some places. The requests centered around autonomy, budgeting, and teaching are practices which will be duplicated and implemented in the District.

#### PUBLIC COMMENTS

Jim Mordecai said the District is lying to itself about what is happening. The bottom line is that this is privatization. He said there is nothing right about 50 percent of a school being able to flip a school and letting a private management group take over what is public and have it managed by private people. He said it is too late and the schools have already been left. Mr. Mordecai said he has a problem with the District celebrating the negotiations and then the District is going to rely upon the contract from the lawyer that did the negotiation. He said the District has no one to say that every "t" was crossed from your standpoint. Mr. Mordecai said there is also a problem with both petitions in relying upon a small county that does special education for the whole state for charter schools. The District got dollars, yet gave away certain services.

President London closed the Public Hearing at 6:30 p.m.

Director Yee asked the Superintendent to comment on debt service and arrangement made for debt service. President London said Director Yee's request would be taken up at the appropriate section of tonight's agenda.

#### STAFF REPORT

Gail Greely, Coordinator, Office of Charter Schools, stated the original petitions were reviewed, and the resubmitted petitions had few changes. This review focused on the changes, including the terms of the Facilities and Operations Agreement referenced in the petitions. Staff found the changes to the charter petition to have strengthened, particularly in the area of implementation. The agreement and revised petition eliminate uncertainty about the school's facilities and lessened the burden of transition from District to charter school status by providing continuity of key services for the schools. The continuity from some assessments and data analysis to schools will support continued improvement of the programs and enable a comparison between the before and after charter transition. Ms. Greely stated the staff report includes additional conditions, including opening to reflect the new relationship among ASCEND, EFC, and the District. There is a condition for revised budget to fully incorporate the costs associated with the facilities and operating agreement, a new enrollment policy that will reconcile the District process with charter law requirements and a recruitment plan to include a variety of strategies for shifting the school's racial balance. Ms. Greely said we would expect such a plan to include involvement by representatives of various racial and ethnic communities in the recruitment efforts and other elements.

Mr. Greely said it is staff recommendation for approval of the petition for a five-year term, beginning July 1, 2012, subject to the required text revisions and conditions contained in the staff report.

Director Dobbins stated in his opinion, we would lose the appeal at the County or State. There have been talks that ASCEND and Learning Without Limits potentially rejoining the District in two years and he would very much like to see that happen. If that is the direction we are going to go, then he would support this.

President London said she has been vocal in not being enthusiastic about having more charter schools in Oakland, yet we continue to get charter applications and we need a different way to address the situation. We have not completely tackled this issue, but we are taking important first steps. If we were not going to vote on the operating agreement, she would not be about to cast a vote that she is about to cast.

Director Yee said the Board adopted a Theory of Action which suggests that we would entertain the idea of diverse providers as the way to move forward. For him, it was important that the Board work unanimously in that direction. Another important piece for him is the acknowledgement of long time educators who happen to be at ASCEND and both of those are very persuasive to him in terms of reasons why he is prepared to vote as he will.

Vice President Hinton Hodge said she came to District three years ago and wanted to talk about creating the right conditions because she was part of a small schools movement that she believed in and she watched it go down the drain because we did not have the four autonomies that the ASCEND community pushed for and has pushed the District to think deeper and widely about that. She said the District has done a great job of smudging the line and ensuring that everyone can be on both sides and there are choices that families are going to get to make and that there are models throughout the nation on how this works and that we are stepping up into those places to be able to lead and guide and direct people. What gets lost sometimes is what certain systems have been able to do as a result of the structures and conditions that we should actually be replicating. The idea that we are

*a partnership means that the obligation to learn and teach is going to be much deeper. She said we have created space for that to happen and we will be able to translate that into student achievement and parental choice.*

*Ms. Greely stated there is one additional condition in the staff report for Learning Without Limits because it is a shared site with Global Families. There is a requirement for a shared site agreement and the Office of Charter Schools will be facilitating that so that the facility works for both communities.*

**Adopted****Aye:** 6 -

Director David Kakishiba, Director Gary Yee, Director Noel Gallo, Director Christopher Dobbins, Director Jumoke Hodge, and Director Jody London

**Absent:** 3 -

Student Director Isabel Montoya, Student Director Donovan Reid, and Director Alice Spearman

**Non-voting:**

Enactment No: 12-0834

[12-0596](#)

### **Education for Change - Learning Without Limits Elementary School Conversion Petition and Proposed Charter**

Public Hearing and Decision - Approval by Board of Education of Education for Change - Learning Without Limits Elementary School Conversion Petition and Proposed Charter, pursuant to terms and conditions contained in the staff report dated March 7, 2012, incorporated herein by reference as though fully set forth.

#### **Funding Source: General Purpose**

**Attachments:** [12-0596 - Education for Change - Learning Without Limits Elementary School Conversion Petition and Proposed Charter.pdf](#)  
[12-0596 - Presentation - Public Hearing - LWLES - March 7, 2012](#)  
[12-0596 - Public Hearing Notice - LWL - Proof of Publication](#)  
[12-0596 - Decision - LWLES Conversion Petition and Proposed Charter](#)

*President London opened the joint hearing for matters represented by Legislative Files 12-0595 and 12-0596 at 6:12 p.m.*

*Leo Fuchs, Principal, Learning Without Limits Elementary School, and Larissa Adams, Principal, Ascend Elementary School, addressed the Board. They thanked Superintendent Smith, staff members, and Board Members for the consideration and they are grateful for the opportunity to collaborate with the school district to envision a new way to work together to better meet the needs of Oakland's children. Ms. Adams said they are eager to make our schools a place where the District, Education for Change (EFC), ASCEND, and Learning Without Limits (LWL) can partner to create a climate for innovation to leverage the best of both worlds and learn from each other. They see this as a key path towards realizing the District's Strategic Plan, towards realizing the goal of creating a full service community District that serves the whole child, eliminates inequity, and provides each child with excellent teachers for every day.*

*Mr. Fuchs stated they continue to aspire to the day when all schools in the District will have the conditions necessary for the highest levels of success so that they may return fully to the District as District schools. He said they feel deeply connected to the four conditions that continue on multiple fronts.*

#### *Public Speakers:*

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Vice President Hinton Hodge said she came to District three years ago and wanted to talk about creating the right conditions because she was part of a small schools movement that she believed in and she watched it go down the drain because we did not have the four autonomies that the ASCEND community pushed for and has pushed the District to think deeper and widely about that. She said the District has done a great job of smudging the line and ensuring that everyone can be on both sides and there are choices that families are going to get to make and that there are models throughout the nation on how this works and that we are stepping up into those places to be able to lead and guide and direct people. What gets lost sometimes is what certain systems have been able to do as a result

*of the structures and conditions that we should actually be replicating. The idea that we are a partnership means that the obligation to learn and teach is going to be much deeper. She said we have created space for that to happen and we will be able to translate that into student achievement and parental choice.*

*Ms. Greely stated there is one additional condition in the staff report for Learning Without Limits because it is a shared site with Global Families. There is a requirement for a shared site agreement and the Office of Charter Schools will be facilitating that so that the facility works for both communities.*

**Adopted**

**Aye:** 6 -

Director David Kakishiba, Director Gary Yee, Director Noel Gallo, Director Christopher Dobbins, Director Jumoke Hodge, and Director Jody London

**Absent:** 3 -

Student Director Isabel Montoya, Student Director Donovan Reid, and Director Alice Spearman

**Non-voting:**

Enactment No: 12-0835

**D. New Business**

**Roll Call (Secretary's Observation)**

*Director Gary Yee absent via telephone at approximately 6:48 p.m.*

**Present** 5 -

Director David Kakishiba, Director Noel Gallo, Director Christopher Dobbins, Director Jumoke Hodge, and Director Jody London

**Absent** 4 -

Student Director Isabel Montoya, Student Director Donovan Reid, Director Gary Yee, and Director Alice Spearman

[12-0603](#)**Facilities and Operations Agreement - District, Named Conversion Charter Schools & Education for Change**

Approval by Board of Education of Facilities and Operations Agreement By and Between District, Ascend Elementary School, Learning Without Limits Elementary School and Education for Change, pursuant to terms and conditions stated therein, for the period July 1, 2012 through June 30, 2017.

**Funding Source: General Purpose**

**Attachments:** [12-0603 - Facilities and Operations Agreement - District, Named Conversion Charter Schools & Education for Change](#)  
[12-0603 - Conversion Charters - Revenue Loss -- Income](#)

*Superintendent Smith stated we are talking about creating the conditions in these partnership schools that we want for all schools and the opportunity to do this together and to be in this work and learn from each other is evidence that we can make this path together.*

*General Counsel Minor said the Agreement is divided into articles. The first article is the Facilities agreement and one agreement covering both schools and deal with Ascend and that Learning Without Limits (LWL) shares the Jefferson campus with Global. The Agreement provides for the shared facility. She stated Article 2 covers the operations provisions and services that the District will provide in partnership with the schools and EFC. Regarding custodial services, General Counsel said it is the District's view that the buildings must be maintained by custodial services with the understanding that our custodial services will provide a high quality of services to the schools. The schools will be a part of the enrollment and options process although it is modified in the first year because of where we are in the process. She said our Nutrition Services Department will provide nutrition services. We expect the level of services for these schools to be outstanding and that Jennifer LeBarre will work with the schools to meet the expectations of both communities. Both schools have expressed an interest in using our Smart Express which is a subsystem for certificated subs although any sub that is dispatched to the schools will be there as an employee of EFC. The schools have expressed an interest in continuing to participate in the BTSA program. The first year has a limited participation to four participants for beginning teachers. An important aspect of the agreement is that at any point either party can stop and say "We have not priced these services correctly---let's come back to the table and talk" and that is provided for in Article 8. There will be opportunities to participate in professional development and the schools will continue to participate in EMarketplace. She stated that will be some joint participation in assessments and as work is done, they will be considered schools of the District for purposes of our Erate annual application. There will be links from the District web site. The schools come equipped with extensive IT and telecommunication services, something that we consider to be very significant, because we expect both schools to be back at the end of two years, that is, for any District employee who is currently employed at ASCEND or LEARNING WITHOUT LIMITS, who request a leave of absence, will be granted a leave of absence for two years. General Counsel stated the agreement includes all the oversight responsibilities that the charter office has and the Agreement includes the contribution towards the State Loan.*

*Vernon Hal, Deputy Superintendent, Business and Operations, reviewed a handout relating to Conversion Charters and their financial Impact to District and Conversion Charters-Income to District. He reviewed information in the reports on the anticipated loss of District revenues related to the conversions, Unrestricted revenues for revenue limit dollars, K-3 Class Size Reduction, and Lottery. He reviewed information on the budgets that are eliminated as the schools become charters. The net difference is approximately \$826,351*

more loss of revenue than reduction in expenses. He said as we look at the lease agreement and the service agreement, the impact for the two schools totals approximately \$778,000. The difference is a District net contribution of \$48,000. The projected loss of ADA is 781.

Mr. Hal reviewed information on scope of services and use fees for the different services, including professional development and technology services. He said we have not had to figure out unit cost previously. He explained the process staff used to calculate the per student amount. Mr. Hal reviewed the section on State Loan Contribution which is a per pupil allocation for the cost of the State Loan. He said the last section has information on rates for square foot lease.

#### BOARD DISCUSSION

Director Yee asked who supervises the Classified staff--SSOs, clerical staff, instructional assistants, etc? Are they supervised by Education for Change or by the District?

General Counsel Minor stated any employees who opt to ask for a leave of absence will be granted a leave of absence. Under the agreement, the classified office staff that opt to follow the charters will not be District employees.

Director Yee asked about deadlines for implementing its infrastructure services. Will the deadlines continue to be enforced, i.e., purchasing, testing, etc.

Superintendent Smith said the deadlines would be enforced, where necessary. The issue is a piece of the ongoing conversation. There are other timelines that will be necessarily different because the schools will be independent charters.

Director Gallo said the District should consider a policy direction to allow the schools to have a greater say in the quality of services being provided.

Director Kakishiba asked the Board Chair and CEO to interpret the agreement's language on page two - 2 year anniversary of 5 year agreement - that ASCEND and LWL will reunite with the District; and page 26 section 8.3 relating to Year 2 review- assessment of conditions for school success in accelerating student achievement - that the two schools will reunite with the District - and recommendations or modifications or changes in the agreement as a result of the year 2 review shall be incorporated into this agreement by mutual agreement.

Hae-Sin Kim, Education for Change, said she was not part of the founding for Education for Change and she was a District employee at the time. It was founded to be a partner of the District. She said they are not a charter management organization looking to grow for the sake of growing. They are excited about being a partner to the District. If the District achieves the conditions, it is not in their interest to hold on to District public schools that want to return to Oakland Unified. Both communities have expressed that interest. They are not going to stand in front of communities that want to go back to Oakland Unified School District. They would invite that conversation and look forward to seeing the conditions expand across the city.

Mr. Rogers agreed and said it is their hope that these are conditions that are found throughout the District in two years, and, therefore, have a changed school district and stronger partnership between charters and the District altogether.

Director Kakishiba asked if EFC has any interest in engaging with this governance team about what the substance and content as to what the conditions look like?

*Hae-Sin Kim stated the engagement would have to include the families and communities that are bringing this forward. They are very excited to think about the conditions. There are some limitations and there are funding issues. As we start to come together and think about how to leverage all resources for all children, they are very excited about the conversation.*

*Mr. Rogers stated the agreement states we are willing to be a partner in order to find out the levels of services we are all expecting. We want this to be a living agreement and continue to move forward and make it even better as we move forward.*

*Hae-Sin Kim commended all the different offices and services, including RA&D, Purchasing, Custodial, Food Services, and that everyone is excited about increasing the level of services and the quality of service. She said the conversations were very productive. They are excited to partner with the school district around custodial services. They understand the limitations faced by the District and they are not expecting more, nor do they want to take the best custodians. They want to figure out how to raise the bar across the city and they understand there are limited resources.*

*Superintendent Smith spoke of the commitment for quality community schools in every neighborhood and that we have to figure out as an organization how to foster and create the conditions for that to be possible and that requires us to be a better organization. He said we have made a strong commitment to figure out what quality service looks like and we see this as an opportunity. We have existing relationships with schools. This new partnership gives us a way to look at unit cost and service in partnership with another organization about the experience schools and folks are having. He said we are talking about becoming a high quality organization service for Oakland children. We see this as an opportunity to advance District work. Mr. Hal has been talking about service metrics and embedding them and having them rooted in the whole organization. We see the agreement as a way to hold ourselves accountable to becoming a better organization.*

#### **PUBLIC COMMENTS ON THIS ITEM**

*Jim Mordecai said the CEO of Education for Change has her history wrong in that there was no partnership with Education for Change when it started. The plan was to take over the schools that were low performing and it is a sin to privatize schools. He said tenure does not exist in K-12. He encouraged the Board not to vote on the document until the word "tenure" is gone. Mr. Mordecai commented on Section 2.20 District Services Available to EFC schools in addition to Ascend and LWL. They are getting E-Rate. He asked about the cost. He said the Board is going to vote on this and has no idea about the cost.*

*President London stated it is very important that every school in the District have opportunities that we have negotiated for the two schools.*

#### **Adopted**

**Aye:** 5 -

Director David Kakishiba, Director Noel Gallo, Director Christopher Dobbins, Director Jumoke Hodge, and Director Jody London

**Absent:** 4 -

Student Director Isabel Montoya, Student Director Donovan Reid, Director Gary Yee, and Director Alice Spearman

#### **Non-voting:**

Enactment No: 12-0836

**E. President's Statement Disclosing Item(s) To Be Discussed In Closed Session Today**

*President London stated that the Board will recess to Closed Session for the purpose of Public Employee Matter [as noticed on the Agenda].*

**Closed Session Item(s)**

**Public Employee Performance Evaluation**

**12-0565 Public Employee Performance Evaluation**

Secretary & Executive Officer, Board of Education

**F. Recess To Closed Session**

*President London recessed the meeting to Closed Session at approximately 7:17 p.m.*

**G. Reconvene to Public Session**

*President London reconvened the meeting to Public Session at approximately 7:39 p.m.*

**H. Second Roll Call**

**Present 4 -**

Director David Kakishiba, Director Noel Gallo, Director Jumoke Hodge, and Director Jody London

**Absent 5 -**

Student Director Isabel Montoya, Student Director Donovan Reid, Director Gary Yee, Director Christopher Dobbins, and Director Alice Spearman

**I. President's Statement of Reportable Action Taken In Closed Session and the Vote or Abstention of Members Present, If Any**

*President London stated there there are no reportable actions from Closed Session.*

**J. Adjournment**

*President London adjourned the meeting at approximately 7:40 p.m.*

Prepared By: \_\_\_\_\_

Approved By: \_\_\_\_\_