

Oakland Unified School District

Board of Education
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Minutes (Long)

Tuesday, April 05, 2011

6:00 PM

**Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA
94606-2212**

Safety Committee

***Alice Spearman, Chairperson
Jumoke Hodge, Vice Chairperson
Noel Gallo, Member***

A. Call to Order

Chairperson Alice Spearman called the meeting to order at 6:00 P.M.

B. Roll Call

Roll Call: Present: Alice Spearman and Jumoke Hodge
Absent: Noel Gallo

C. Chairperson's Statement Disclosing Item(s) to be Discussed in Closed Session Today

Chairperson Spearman stated the meeting will recess to Closed Session to discuss Pupil Matters.

D. Closed Session Item(s):**Pupil Matter(s)**

11-0726 Expulsion Appeal Hearing - Student ZZ

11-0727 Expulsion Appeal Hearing - Student - AA

11-0728 Admission Hearing - Student DD

11-0760 Admission Hearing - Student YY

11-0761 Admission Hearing - Student BB

E. Recess to Closed Session

Chairperson Spearman recessed the meeting to Closed Session at 6:01 P.M.

F. Reconvene to Public Session

Chairperson reconvened the meeting to Public Session at 7:05 P.M.

G. Second Roll Call

Roll Call: Present: Alice Spearman and Jumoke Hodge
Absent: Noel Gallo

H. Chairperson's Statement of Reportable Action Taken in Closed Session and the Vote or Abstention of Members Present, if any.

Chairperson Spearman stated there was no reportable action taken in Closed Session.

I. Speaker Request Cards/Modification(s) To Agenda

Director Hodge requested Legislative File ID 11-0616, Not In Our Town'be the first item considered on the agenda.

After Item K, Adoption of the Committee General Consent Report, the next item considered by the Committee Was Item L, Legislative File ID 11-0616, 10-0785, 10-2384, 10-0038 and 11-0134 followed by Item M, N, O, P, and Q.

J. Adoption of Committee Minutes

[11-0753](#) Minutes - Safety Committee - March 15, 2011

Approval by Safety Committee of Its Minutes of March 15, 2011.

Attachments: [11-0753 - Minutes - Safety Committee - March 15, 2011](#)

A motion was made by Jumoke Hinton Hodge, seconded by Alice Spearman, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Jumoke Hinton Hodge
Nay: 0
Recused: 0
Absent: 1 - Noel Gallo
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

K. Adoption of the Committee General Consent Report

None.

L. Unfinished Business



10-0785 Presentation on Restorative Justice Expansion

Restorative Justice Report on Staffing Plans for the 2011-2012 School Year.

Attachments: [Document\(s\)](#)
[11-0785 - District's Restorative Justice Implementation Plan for SY 2010-2013.pdf](#)
[10-0785 - Presentation - District's Restorative Justice Implementation Plan for SY 2010-2013.ppt](#)

Barbara McClung, Coordinator, Behavioral Health Services, Lead Person for Restorative Justice Practices in the District. Ms. McClung distributed a summary of the Restorative Justice Expansion Plan drafted for a three year expansion. She said the goal was to take some of the gains made at Cole Middle School to see if those gains could be brought to scale at ten schools across the District. Four of those schools are on the Castlemont High School Campus.

She said the District received an \$850,000 grant over a period of three years from the California Endowment in partnership with Restorative Justice for Oakland Youth to build out Restorative Justice in the community that includes Castlemont and the surrounding neighborhoods. In addition to the four schools on the Castlemont Campus, a number of middle schools were selected. The selection criteria were the principal was willing to make a commitment to a whole school Restorative Justice Paradigm shift. For the first year the focus has been on training trying to get as many teachers and other staff at those schools to become familiar with Restorative Justice Practices including the Circle Facilitation Process, Family Group Conferencing and Restorative Discipline Practices. The overall goal is to reduce disproportionately that has negatively impacted African American students today and over time. Page four shows a progress report on what has been accomplished so far this year.

Highlights for this year: The District received an \$850,000 California Endowment Grant and funding was secured to hire a Restorative Justice Program Manager to oversee the initiative.

Obstacles: Getting teachers for the training. She said there are very few teacher hours available for professional development.

There have been five two-day trainings so far this year. There has been 150 hours of direct professional coaching at those school sites around specific cases where the principal has brought forward saying we really want to offer an alternative to the student of suspension or expulsion from the school. Parents have been engaged and the focus will be to bring more parents in as partners in the application of Restorative Justice.

Gains Made this Year: This year there are two additional full time Restorative Justice Coordinators at Castlemont, the hiring process for the Districtwide Restorative Justice Program Manager will be completed very soon, Restorative Justice Coordinators have been added at United for Success Middle School, the District is in the process of looking for a replacement at Edna Brewer Middle School, and the District received an invitation from the Atlantic Philanthropies to apply for a three year grant to address school discipline. This will incorporate Restorative Justice Practices with the work of the African American Male Achievement Office looking at how to incorporate some of the work Mr. Chatmon is doing with the ninth graders and how to apply Restorative Practices with that group and the school sites that have embraced his work.

Board Member Comments

Director Hodge asked Ms. McClung how was the integration of programming done. She said she wanted to hear some of the resistance encountered and the strategies around the process of full buy in and the implementation of Restorative Justice.

Ms. McClung said there are growing pains around rolling out Restorative Justice. She said there has been very little resistance this year. She said there has been a need they have not been able to meet. She said she gets calls weekly from school sites saying they have a case they would like to use Restorative Practice and request that she send someone to help. She said unfortunately she does not have the staffing to do that. She said she has a .5 trainer responsible for 10 schools. The missing piece right now is funding to develop more training and coaching. She said at the schools that are interested in Restorative Justice, it has been difficult to get staff out for training. She said many of the trainings take place on a Friday and Saturday so that people are not away from school for two full days. However, there is not funding to pay for substitute teachers.

Gaps Right Now: Money is needed for more training and coaching, and more money for stipends for teachers to get them out on weekends which was not built into the California Endowment Grant.

Ms. McClung said they have looked at other models on how to roll out big initiatives and she said they will adapt their approach shifting to a cohort model inviting the principals and four or five key staff from the site to come for quarterly training.

Chairperson Spearman wanted to know when do the students learn about Restorative Justice?

Ms. McClung said ideally Restorative Justice Circles will be taking place in the classroom before the wrong doing occurs and students become familiar with the process. In cases where students have been exposed to Restorative Justice in non-punitive settings, they will come and say "We want to have our own Circle".

Director Spearman wanted to know when this was done.

Ms. McClung said at Castlemont the funding was received in October, staff was hired and on-board in February. The focus at Castlemont is getting teachers trained and they are responding to conflict cases.

Director Spearman said this is not known widely on the Castlemont Campus at this time.

Ms. McClung said the model for rolling out Restorative Justice is to work with the adults first so there are not a lot of inconsistencies. She said she did not know if Restorative Justice had been rolled out with the students at Castlemont yet on a broad scale.

Discussed



10-2384

Report - Police Services Department - Proposed FY 2011-2012 Budget

Report by the Chief of Police Services regarding the proposed FY 2011-2012 Police Services budget including the personnel and the operations costs of the department.

Attachments: [10-2384 - Report - Police Services Department - Proposed FY 2011-2012 Budget.pdf](#)

Chief Sarna said that will be ready tomorrow night. He said based on what is presented at April 6th Special Board Meeting, he will have some discussion at the next Safety Committee Meeting.

Chairperson Spearman asked Chief Sarna had he been asked to reduce the department's budget?

Chief Sarna said it is the school sites that are not able to purchase the number of SSOs that are funded through site based budgets versus the central office budget.

Discussed

11-0038

Review - Board Policy and Administrative Bulletin - 5142.3 - Safety and Dating Violence

Presentation from the Superintendent of Schools or designee on effectiveness of Board Policy and Administrative Bulletin - 5142.3 - Safety and Dating Violence.

Adrian Kirk said the Family and Community Office supports a position of not continuing the current Safety and Dating Violence Policy. He said the Policy speaks to addressing battery and assault, something that occurs between dating couples. He said these same things are addressed in Policies and other practices across the District.

Chairperson Spearman asked for an example of where it appears.

Mr. Kirk said anything in Education Code 48900 or 48915(a)(a1) are assaults, suspendable offenses, things one cannot do. He said Board Policy speaks to Suspension and Expulsion for all of these things. He said what is not covered in Policy and what the District does not have the capacity to do right now is the professional development for teachers, training for students around how to prevent, how not to engage, and alternatives to violence.

Director Hodge said this item has been before the committee for a long time and she would like to hear from General Counsel Jackie Minor on how to move this item. She said she heard Mr. Kirk say the work can be done around prevention, education, and programming. She said Dating and Domestic Violence is an important thing to name with young people. She asked General Counsel Minor to address if Dating Violence is showing up someplace else.

General Counsel Minor said the committee can make the decision to move the item to the Full Board. She said there is a lot of duplication in the Education Code and in Board Policies. She said the original intent of specifically calling out Dating Violence was to bring more focus and attention to the issue. She said Dating Violence is a sub-set of Assault and Battery. She said if that happens, the District will treat it under the Suspension and Expulsion requirements mandatory in the Education Code. She said Dating Violence is covered.

Barbara McClung said she has been overseeing an initiative around Teen Dating Violence for the last three years at four middle schools called "Start Strong" funded under Robert Woods Johnson. The focus of the initiative is on educating students about what healthy teen relationships are and strategies for seeking help when a person find they are not in a healthy relationship. She said she has worked with District partners and the Family Violence Law Center who is the lead agency for Alameda County Teen Dating Violence Task Force. She said a proposal for a revision of Board Policy is being worked on. The Family Violence Law Center is interested in working with the District, Youth Alive and Youth Radio. Ms. McClung said she would like to bring some of the partners before the committee to answer questions about what is being done in the District around Teen Dating Violence and to propose an alternative Board Policy.

Director Hodge wanted to know if there was a peer component to the program.

Ms. McClung said Youth Alive trains high school students to provide education to middle school students around Teen Dating Violence.

Chairperson Spearman said she prefers to table the item until Ms. McClung comes back with an alternative proposal. She wanted to know if Ms. McClung could come back with some language in June?

Ms. McClung said "absolutely".

Chairperson Spearman said she will schedule the item for the first Safety Committee Meeting in June to hear the recommendations. She said the committee will make a decision whether the committee likes the recommendations and send those recommendations to the Full Board or recommend to the Full Board to throw out the policies.

General Counsel Minor said Ms. McClung is quite remarkable. She said in many unexpected ways the District is constantly calling upon Ms. McClung to support staff, families and students. She said she is amazed at her professionalism, dedication, commitment and ability under very difficult circumstance to go out and face the community and the students. General Counsel Minor said she wanted to say "Thank You" to Ms. McClung.

Discussed



11-0434

Amendments, Operations Manual - OUSD Police Department - General Counsel

Adoption by the Board of Education of Resolution No. 1011-0135 - Approval of Amendments to the Oakland Unified School District Police Department Policy Manual, pertaining to the day-to-day working instructions for the Police Department, of the following policies, as specified:

CHAPTER 3 - GENERAL OPERATIONS: Policy 302 - Deadly Force Review; Policy 314 - Vehicle Pursuit; Policy 320 - Domestic Violence; Policy 324 - Temporary Custody of Juveniles; Policy 326 - Elder Abuse; Policy 330 - Child Abuse Reporting; Policy 334 - Public Alerts; Policy 336 - Victim Witness Assistance Program; Policy 340 - Disciplinary Policy; Policy 343 - Use of Radio Communication Devices; Policy 344 - Report Preparation; Policy 356 - Megan's Law; Policy 357 - Incident Notifications/Reporting Requirements/Supervisory Review; Policy 360 - Death Investigation;

CHAPTER 4 - PATROL OPERATIONS: Policy 400 - Patrol Function; Policy 406 - Crime & Disaster Scene Integrity; Policy 412 - Hazardous Material Response; Policy 420 - Cite and Release; Policy 422 - Arrest or Detention of Foreign Nationals; Policy 434 - Aircraft Incidents; Policy 436 - Field Training Officer Program;

CHAPTER 5 - TRAFFIC OPERATIONS: Policy 510 - Vehicle Towing Policy;

CHAPTER 6 - INVESTIGATION OPERATIONS: Policy 600 - Investigation and Prosecution;

CHAPTER 8 - SUPPORT SERVICES: Policy 810 - Release of Records and Information;

CHAPTER 10 - PERSONNEL: Policy 1010 - Report of Employee Convictions; Policy 1012 - Alcohol and Drug Use; Policy 1016 - Communicable Diseases; Policy 1022 - Seat Belt Procedure; Policy 1026 - Peace Officer Personnel Files; and Policy 1050 - Nepotism and Conflicting Relationships.

Attachments: [Document\(s\)](#)
[11-0434 - Rev. \(4.19.11\) - Amendments, Operations Manual - OUSD Police Department - General Counsel.pdf](#)

Policy 320.2.2 - Responsibilities of the Review Board
Director Hodge wanted to know why the Review Board Membership was changed from three members to two members.

Chief Sarna said there may have been a change in Government Code Section 3303.

Chairperson Spearman said the Police Policy Manual states the number of members was changed from three to two persons who may ask questions during the review due to a Government Code change.

General Counsel Minor said in Government Code 3303 there is a provision that comes from the Peace Officers' Bill of Rights.

Chairperson Spearman wanted to know if that means the District has to change the composition from three members to two members?

General Counsel Minor said for these purposes yes.

Chairperson Spearman wanted to know why?

General Counsel Minor said it only talks about how many people can ask questions to the officer, not about how many people can present.

Chairperson Spearman wanted to know why can't the member composition be left as it

was?

General Counsel Minor said the Peace Officers' Bill of Rights is statutory in the Government Code.

Chairperson Spearman had a question about the paragraph that begins "If it appears that the action of the employee may result in criminal charges or disciplinary action by the department, the Board may conduct the interviews in accordance with department disciplinary procedures". Chairperson Spearman wanted to know shouldn't that sentence read "District Disciplinary Procedures" because the department is not separate from the District. She said the District has disciplinary procedures and the department does not supersede the District's Disciplinary Procedures.

General Counsel Minor said the department's Disciplinary Procedures are outlined in this Police Manual approved by the Board. She said her interpretation has been once the manual was approved. She said anything approved in the manual is District policy.

Chairperson Spearman wanted to know can the statement read "District Department Disciplinary Procedures"? She said "District" has to be there somewhere. She said it can't just read the "Department" because it seems like the department is separate from the District.

Chairperson Spearman requested the following changes:

Under Section A - "The Employee Actions were within department policy and procedures" she said where it says department policy it must read "District" not "Department". In the next paragraph under Section B - "Department" should read "District".

Under Section B - "At the Conclusion of the Review Process, a copy of all relevant reports and information will be filed with the Chief of Police". Chairperson Spearman wants it to read "Information will be presented to the Board of Education and filed with the Chief of Police".

Under Section A - Chairperson Spearman wants "District" inserted where it says "It appears" and (B) Instead of "Department" it should read "District". She said where it reads "Department Procedures", it should read "District Disciplinary Procedures". She said if the Committee approves the Manual, it is District procedure.

Director Hodge said there are two different entities that the Committee is talking about. She said the Police Department is a part of the District, underneath it. She said there would not be a separate manual.

Chairperson Spearman said the Oakland Unified School District Police Department is a part of the District, not separate. She said the personnel procedures and disciplinary procedures have to be aligned with all District procedures.

Chief Sarna said there is law, the Police Officers' Bill of Rights that states there are certain things that need to be afforded police officers during the discipline process that is different from civilian employees. He said the City of Oakland Police Department is a Police Department and their policy manual reads similar to the District's Police Policy Manual,

but they are still a part of the City of Oakland.

Chairperson Spearman said she disagrees with that. She said she believe the manual should be specific and say the "District" versus "Department" because the department does not run the District. She said this can go to the Full Board and they can decide.

Chairperson Spearman said where it states at the conclusion of the review process a copy of all relevant reports and information will be presented to the Board of Education that will be inserted and will be filed with the Chief of Police Services. She said clarification is needed on whether the Review Board Members will be three or two before this goes to the Board.

Director Hodge wanted to know if most of the modifications were simplifications and some shifts because of law.

Chief Sarna said "Yes".

Chairperson Spearman said 314.7.4 Intervention Standards - Stricken out was the portion that begins with "Officers" and she wanted to know was it because all of the police officers are trained?

Chief Sarna said it was in his opinion there are two reasons; (1) Yes, all the officers are trained in intervention techniques. (2) You never want to create a policy that is so restrictive that you prohibit officers from taking reasonable action despite a lack of certain intervention techniques in a situation necessary. He said when pursuing a murder suspect who shot four students, that person needs to be taken into custody. The only officer present has not been trained in a pursuit intervention technique, but may know how to perform the technique. He said you would not want to preclude the officer from taking appropriate action which is reasonable under the circumstances.

Policy 320.5.1 - Chairperson Spearman wanted to know in the second paragraph starting with "Victim", "Shall" was stricken out and replaced with "Should". She wanted to know the reason for the change.

Chief Sarna said "Shall" usually implies you have no choice.

Policy 324.3.2 - Chairperson Spearman wanted to know what happened under the non-contact requirements.

Chief Sarna said there has always been that prohibition and the law may be more restrictive in this case.

Policy 324.7.7 - Chairperson Spearman said most of the first part was taken out but additions were made and she wanted to know if there had been a change in law.

Chief Sarna said the sections that were stricken, it does not specifically prohibit the sustained site or sound contact, it just says contact between juveniles in temporary custody both secure and non-secure adult prisoners shall be restricted as follows. He said it clearly defines the District's ability to co-locate adult and juvenile suspects.

Chairperson Spearman said at the next committee meeting the committee will review Policy 320.2 through Policy 357.4.2

Discussed



11-0616

Report - "Not In Our Town" - A PBS Documentary

A report by staff on the PBS funded anti-violence documentary "Not In Our Town".

Attachments: [11-0616 - Report - "Not In Our Town" - A PBS Documentary](#)

Director Hodge said this presentation is about an opportunity to look at a framework and approach that addresses bullying on school campuses. She said she is excited about the presentation because it is a call to action within the presentation to see if the District wants to be on board with other states that are looking at this work.

Jonathan Burnstein, Executive Director, said "Not In Our Town" started in 1995 as a movement in Billings, Montana. He said there was a series of hate crimes that happened in that community. Different people from various backgrounds were targeted that led to an attack on a Jewish family's home where a brick was thrown through the window at Hanukah time when the family had placed a menorah in the window. He said ten thousand residents of Billings put menorahs in their windows. Movie producers from Oakland came to Billings and did a movie about the incident. He said what they found was when they told the positive stories of people coming together to counter hatred, it inspired other people to develop their own new ways of countering hatred. He said they are continuing that work today. About 50 different films have been produced highlighting communities speaking out against all hatred. Mr. Burnstein brought a short video "Not In Our School". Unfortunately the audio on the film did not work and the video was unable to be shown.

Chairperson Spearman suggested posting the video on the District's website for the public to view.

Will Parrish, PBS, said the idea is to use community to tell stories to heal each other. He said you give people the opportunity to sit down and say, here's my story, here's where I come from, here's what happened to me, here's how you hurt/harm me and here's how we move forward. He said their films give you the conversation starter. Mr. Parrish talked about a school in Cleveland, Ohio, where a group of high school students who were tired of the bullying going on around them. The students looked at the things going on in their history and decided to go back to elementary schools to talk to the students about how to be an up-stander not a by-stander and just let bullying happen. He said they are beginning to engage communities around the nation looking at this problem of bullying and how to use stories to stop the bullying. Mr. Parrish invited the District to be a part of the new campaign called "Fifty Districts, Fifty Schools". He said PBS is looking at 50 schools and 50 school districts across the country to have conversations with Teachers and Board Members to open up the space of how you create a safe and inclusive environment. He said their films have been brought to Roots International School and they have partnered with Village Connect.

Mr. Parrish told the story of Village Connect and the conflict that occurred there. He said after talking with the students and showing the film, students said they wanted to be

leaders. Students asked the question "How can I say I am a leader if I am not standing up and speaking for my friends"? He said their films feature students in their own voices talking about issues that are going on. He said there are teacher's voices talking about what's going on. He said they connect those teachers that are by themselves and want to see change happen but have no idea how to make change happen. He said they provide a portal at www.notinourschool.org where all the films are categorized and cataloged. Teachers can go to the website and watch a film called "Facing History In Ourselves". Teachers are provided with lesson plans that follow the film. Mr. Parrish gave this scenario: A teacher who is dealing with bullying in the school watches the film, has the conversation with the students, and goes back and follow the instructions. There is a space on-line to get feedback about the lesson. He said they created an on-line professional learning community where teachers can go and plug in to see what other teachers are doing around the nation, provide feedback to their own information about what's going on in their classroom and create this collaboration around creating inclusive communities.

He said they are asking the Board to open the conversation for partnership. He said what the partnership will look like will be finding school(s) to show the film, to see what the teachers feel about the film, and to have the teacher sign on to the website and become a part of the national movement. On the website there will be a monthly topic [free] and a video clip for the teacher to call in and participate in the different activities. He said they will host a monthly webinar where teachers can call in and get online training about the current topic. He said in May KQED will highlight the Palo Alto School District who adopted their program. He said Palo Alto School District has a lot of "Not In My School" activities. He said part of the Fifty Schools, Fifty Districts Campaign is to tell the stories of coming together grappling with the issues of building inclusion.

Committee Member Comments

Director Hodge wanted to know from Mr. Parrish as he talks about Fifty Schools, Fifty Districts, will he pick a school in the East Bay region or work with San Francisco Unified School District or Newark Unified School District?

Mr. Parrish said originally he will think about San Francisco. He said there will be schools from around the United States where PBS markets are located.

Director Hodge asked Pete Sarna if the Police Services Department was doing any anti-bullying work?

Chief Sarna said if the bullying does not rise to the level of criminal behavior, Police Services is not often involved. He said there were some cases this year that did rise to criminal behavior where the department was forced to do a criminal investigation.

Director Hodge wanted to know if there is the ability to do preventive work through Police Services?

Chief Sarna said when the department encounters situations where special help is needed, Adrian Kirk and Barb McClung have been very receptive.

Adrian Kirk said he spoke with Mr. Parrish prior to tonight's meeting and asked Mr. Parrish to contact Chen Kong-Wick in Leadership, Instruction & Curriculum. Mr. Kirk

said he has some ideas that will come out of his department.

Discussed

M. New Business

None.

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

There were no Public Speaker Cards submitted.

O. Superintendent of Schools or Designee's Committee Liaison Report

None.

P. Introduction of New Legislative Matter

None.

Q. Adjournment

Chairperson Spearman adjourned the meeting at 8:25 P.M.

Prepared By: _____

Approved By: _____