

Oakland Unified School District

Board of Education
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Meeting Minutes Long - Final

Wednesday, April 4, 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 London convened the meeting at 6:32 p.m.

B. Roll Call

Present 5 -

Director David Kakishiba, Director Gary Yee, Director Christopher Dobbins, Director Alice Spearman, and Director Jody London

Absent 4 -

Student Director Isabel Montoya, Student Director Donovan Reid, Director Noel Gallo, and Director Jumoke Hodge

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

President London stated the Board would be meeting in Closed Session regarding an anticipated litigation matter.

D. Closed Session Item(s)**12-0873 Conference With Legal Counsel - Anticipated Litigation**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 case.

E. Recess To Closed Session

President London recessed the meeting to Closed Session at 6:34 p.m.

F. Reconvene To Public Session

President London reconvened the Public Session at 7:15 p.m.

G. Second Roll Call

Present 7 -

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

Absent 2 -

Student Director Isabel Montoya, and Student Director Donovan Reid

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

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

I. Unfinished Business

Ad Hoc Committee on Police Services - March 26, 2012 - Jumoke Hinton Hodge, Chair

[12-0818](#)**Report - Ad Hoc Committee on Police Services**

Presentation of Report and Recommendation(s) to the Board of Education from the Ad Hoc Committee on Police Services.

Attachments: [12-0818 - Report - Ad Hoc Committee on Police Services](#)

Vice President Hinton Hodge stated the committee convened to explore if any community process might be needed to support the hiring process of a new Police Chief and to develop an opportunity for community members to learn about our Police Services. The committee met and addressed topics District Police, mission and vision of our police force and its connection to the District's Strategic Plan.

Vice President Hinton Hodge said the Committee has had approximately four meetings on District Police Services, data on school campuses, Restorative Justice Policy; School Security Officers, community policing and our connection with the City Police Department. She said the Ad Hoc Committee will be requesting authority to continue its work. She said there are deeper issues to be addressed. There were concerns brought up that the District should look at disbanding our Police Services. There are school districts in the country that do not have police services. There was sentiment expressed that our police services should be disarmed. There were issues raised about police officers involvement on the ad hoc committee.

Vice President Hinton Hodge said she is not going to detail the timeline. After having spoken to the Superintendent, this document, once she formally gives it to the Board in writing, is going to be a proposal and the time line will need to be adjusted because it will take several weeks to have all pieces vetted in addition to the having the process facilitated.

Vice President Hinton Hodge said the committee recommended that it interview the top three candidates who might be applying. There was discussion to include a student forum, led by our All City Council and to include the Youth Commission in order to get as many youth voices in the room as possible. Vice President Hinton Hodge said the Committee was interested in having a calendar from the Board and each Board Member would be responsible for bringing a different stakeholder to an eight-member panel to be composed of classified staff, police, clergy, parents, students, business community, principals and/or teachers and after school providers. The panel would be looking at the top three candidates.

Vice President Hinton Hodge said the Committee discussed two additional forums to be facilitated in the East and West areas of the city. There would be forums available for the community to interview the top three candidates. The student forum would be led by the All City Council.

Vice President Hinton Hodge stated the Committee is considering two forums hosted by Urban Strategies and OCO to be held in East Oakland and West Oakland.

Vice President Hinton Hodge said she is working also with the Superintendent about his vision and how some of the recommendations can be incorporated. She requested the Board to approve the Ad Hoc committee to continue meeting. They have established at least three more meetings. The next two meetings will be spent finalizing the proposal.

Director Gallo asked when the next meeting is scheduled?

President London asked how much longer the Committee expects to meet. Vice President

Hinton Hodge said she needs to get more clarity from the Superintendent and it is her understanding we have delegated and it is his responsibility around looking at that. She said they will meet again after spring break. The Committee planned to meet up to June 1.

President London asked if the committee is developing a profile or criteria? Vice President Hinton Hodge stated the second meeting will get closer to that. We are looking at other job descriptions in similar sized districts.

PUBLIC COMMENT ON THIS ITEM:

Oscar Wright congratulated Police Services, saying the District has a very fine police department. He said we can come up with a better relationship where our kids will not be afraid of the police.

Jim Mordecai stated no report was attached to the agenda on the District web page and he was unable to access any report.

President London said the committee will report back by June 1st.

Discussed and Closed

Enactment No: 12-1487

Finance and Human Resources Matter(s)



12-0802

Authorization - Measure "B" Committee To Perform Oversight Function On Remaining Measure "A" Bond Funds

Adoption by the Board of Education of Resolution No. 1112-0198 - Authorizing the Measure "B" Independent Citizens' School Facilities Bond Oversight Committee to Monitor and Inform the Public - Board Concerning the Expenditures of Remaining Measure "A" Bond Revenues, as set forth herein.

Attachments: [12-0802 - Authorization - Measure "B" Committee To Perform Oversight Function On Remaining Measure "A" Bond Funds](#)

PUBLIC SPEAKERS ON THIS ITEM

Oscar Wright said on his visits to schools, he observed the construction funded by Measure B. He observed a disproportionate number of schools east of Telegraph in North Oakland and north of MacArthur in East Oakland and south of MacArthur in East Oakland and west of MacArthur. He has appeared before the Board several times about seeing only one Black man working on the whole project. He said most of the contractors brought their own crews and did not live in Oakland. He said the oversight responsibility should be broadened and not include the same people. The \$435 million allocation to upgrade the schools did not happen equitably. He said we should not keep putting the same people on the oversight committees.

Adopted

Aye: 7 -

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

Absent: 2 -

Student Director Isabel Montoya, and Student Director Donovan Reid

Non-voting:

Enactment No: 12-1015

[12-0827](#)**Report - Tier 3 Flexibility Outcomes (To Date) - Fiscal Year 2012-2013**

Report from the Superintendent of Schools or designee on outcomes of the use of Tier 3 Flexibility Funds to date for current fiscal year.

Attachments: [12-0827 - Report - Tier 3 Flexibility Outcomes \(To Date\) - Fiscal Year 2012-2013](#)
[12-0827 - Family Literacy Redesign](#)
[12-0827 - Family Literacy Redesign](#)
[12-0827 - Secondary Literacy Initiative](#)

Maria Santos, Deputy Superintendent, Instruction, Leadership, and Equity in Action, introduced Chris Nelson and Sue Pon, Administrators, Adult Education. Mr. Nelson said the Adult Education has been reduced by about 91% and is now divided into Family Literacy and Adult and Career Education, offering GED and Career Technical Education. Despite cuts, the program continues to provide positive major outcomes, including GED and career technical education certificates issued. The adult and career education and family literacy classes are serving parents, high school students, former high school student, and employees. Ms. Pon stated the family literacy program is offering 50% fewer classes compared to last year. She stated the new program promotes school site ownership of the family literacy services and schools will gradually assume the costs of the family literacy teacher. Mr. Nelson said the GED Program and the 8 full time teachers and one counselor and 3 part time instructors identify skill deficiencies in our students and develop strategies to help the students and action steps to help all students and evaluate the strategies. The GED program currently serves 16 high school seniors. An additional 97 seniors have been identified who may also need the GED option because of the high credit deficiency. Mr. Nelson said the Career Technical Education Programs have had a 100% rate in the Project Search Class, a work internship program, placing students with disabilities in a higher wage earning occupations. The CNA Program has had a 95% success rate for this year. The Administrative Assistant training program is about to restart for the District's classified staff.

President London asked about the response from school sites as to their ownership of the costs of family literacy teachers. Ms. Pon responded schools knew about the situation in September and part of their application process was to agree to this. Schools have been working on their budgets and she expects a report from Financial Services as to the number of schools who have actually budgeted the funds for the family literacy teachers.

PUBLIC SPEAKERS ON THIS ITEM

Jim Mordecai said the District's Adult Education Program was slashed from \$11 million dollars to \$1 million. He said school sites would have a lot of pressure not to assume ownership of the costs.

Deputy Superintendent Santos commented on the Secondary Literacy presentation and said 56% of our ninth graders were reading two grade levels below and 66% of our sixth graders were two grade levels below in their reading. We deployed the resource to 9th and 6th grades and we are pleased to report some preliminary findings. The data reflects a second assessment at the end of the first semester.

Sarah Breed, Manager, Literacy, used a power point for her presentation on Mid- Year Early Impact Study of Secondary Literacy Collaborative dated March 28, 2012. She talked about the investment in the Secondary Literacy Collaborative between site based teachers, principals, and central literacy specialists to support acceleration of literacy achievement for middle and high school students. The investment was put towards 14 secondary literacy

specialists placed in sites to teach struggling readers. Ms. Breed said the goal was to improve the literacy outcome of struggling readers.

SMART GOALS

By June 2012, 100% of identified struggling readers who are served by Secondary Literacy Specialists, will increase their reading level by 150 lexiles (2-3 grade levels). She said 63% of our students are reading below grade levels as measured by CST in sixth grade and at ninth grade 65%. The Literacy Specialists are serving 450 middle and high school students and they are placed in 14 schools. She said 350 of the students are in high school. The demographics include 49% of students served are Latino, 38% are African American, and 48% are English Learners. The services are being served at four middle schools and nine high schools.

SRI IMPLEMENTATION

SRI implementation involves small group guided reading instruction with high school students and taking best practices and applying them with our ninth graders. The mid-year growth report shows an average gain of 53 lexiles and that the highest rate of growth was for African American males served in the program and the second highest gain was for Latino females and African American females. She said the program is working for our non-chronically absent student and their growth average is 57 lexiles. Our chronically absent students have a growth average of 30 lexiles. We are seeing those who benefit the most from the investment are our English Learners. We have targeted our long-term English Learners and our struggling English Learners.

Ms. Breed said they feel the investment made in secondary literacy is showing a huge impact midyear. It is the first year of the design of this program. The work is connected to meet our African American Male Achievement goal and it is connected to our significant disproportionality and referrals to Special Education for African American students.

BOARD DISCUSSION

Director Kakishiba asked for clarification on the intervention.

Ms. Breed said we have three populations that are being served. The professional development and curriculum development is focused on the mantra that one size does not fit all. We designed our curriculum model after the instructional model which includes whole group instruction, small group instruction, instructional technology and independent reading. There is a focus on independent reading within the classes. We are developing the capacity of secondary teachers to teach phonics, fluency, and comprehension. The Specialists are designing the materials to meet the needs of their particular student population.

Director Yee asked about its connection to A-G.

Ms. Breed said the course itself is considered an elective course and students do not receive their English credit in A-G for the course. They receive an elective credit for the course. The course is A-G compliant.

Director Spearman asked about the number of students served.

Ms. Breed said 440 students are being served this year. Director Spearman asked the Superintendent if the District would be making a larger investment in the program for the next school year.

Superintendent Smith said we are looking at the movement. The Strategic Plan calls for acceleration of up to three years. The targets in the Strategic Plan were funded and we are reviewing the investment and seeing good results. As we do budgeting for next year, we will probably make requests to increase it. We need to figure out how to do that.

Director Gallo asked how the District allows kids to go all the way through the elementary school years, get to sixth grade, and we wind up with kids that are two years behind in reading? Then they are pushed all the way through middle schools and in ninth grade, there is a 56% of students that are two years behind in their reading level. He asked the Superintendent what is it that we are not doing at the elementary school years that are the most development years to have kids read? If he could, he would catch kids in the third grade. After the third grade, it gets a little more challenging.

Deputy Superintendent Santos said the question involves the prioritizing within the system the work around the academics and learning. As we look at the common core, working on reading as a major strategy throughout the system. Students need to have practice with dealing with difficult texts.

Ms. Breed said we have prioritized investment through a Reading First grant in K-3 development. Our fifth grade proficiency rates is just the opposite of our sixth grade. Approximately 60% of our fifth graders are reading proficient and advanced. A huge percentage of those students leave our system in the sixth grade and go to other sites and we are starting with a much larger group in the sixth grade of non-proficient readers. She said it is a dream come true to have these positions and to do focused work with secondary teachers. In collaboration with Special Education, we are looking at the intervention system in our K-5 schools to draw the connections between reading interventions and social and emotional interventions at our sites.

PUBLIC COMMENTS ON THIS ITEM

Jim Mordecai stated tier funds were used to support Adult Education. Title I, in the past, was focused on lower levels, not at high school. He said it is a socio-economic problem. Students move on to other school districts and into charter schools at the higher grades. Mr. Mordecai asked if the Credential Specialist was a fully credentialed teacher?

Deputy Superintendent Santos said the positions had fully credentialed teachers and they meet regularly for professional development on reading strategies. They are secondary single-subject English Language Arts teachers.

Part of our investment is providing professional development for teachers at all grade levels to deal with complex texts to learn the strategies to engage students in working with very complex texts. Professional development will take place this summer on reading and balanced literacy to focus our attention on guided reading and independent reading strategies so that our whole community starts building their repertoire.

Director Gallo asked if staff could identify those children are who already behind at the third grade level?

Deputy Superintendent Santos said every school uses the scholastic reading inventory for every child. Our teachers and principals have the data and they know the students that are reading one-, two-, and three-grade levels below and the sites can intervene and work with their students.

Discussed and Closed

Enactment No: 12-1016

Teaching and Learning Matter(s)

[12-0444](#)**Decision - American Indian Public Charter School II - Petition and Proposed Charter (Renewal)**

Adoption by Board of Education of Resolution No. 1112-0219 - Denying American Indian Public Charter School II - Petition and Proposed Charter (Renewal) with Written Findings of Support Thereof.

Attachments: [12-0444 - American Indian Public Charter School II - Petition and Proposed Charter \(Renewal\).pdf](#)
[12-0444 - Presentation - American Indian Public Charter School II - Petition and Proposed Charter \(Renewal\).ppt](#)
[12-0444 - Decision - American Indian Public Charter School II - Petition and Proposed Charter \(Renewal\)](#)

Gail Greely, Coordinator, Office of Charter Schools, said this is the second middle school program of the American Indian and Model Schools that is located in downtown Oakland. The school currently has 302 students in Grades 5-8, having added a fifth grade and enrolled more sixth grade students at the end of October. Student enrollment was 87% Asian in 2010-11. The school has a current API of 990.

Ms. Greely stated the staff report is the result of available information regarding the school's performance across various measures in District charter renewal quality standards. It was conducted in the same manner as the other seven charter renewals this year. Pursuant to Charter Law, the deadline for action on the charter renewal petition is April 24. The school agreed to the single 30-day extension allowed by Charter Law. Under new Charter Renewal Regulations, failure to act on the petitions by the deadline automatically renews the Charter for another five years. She stated the information in the report includes preliminary findings from a parallel process. An extraordinary audit is being conducted by FCMAT. The audit was initiated by Alameda County Superintendent Sheila Jordan at the request of Superintendent Smith based on allegations from a former American Indian Public Charter School employee concerning fraud and misappropriation of funds. Although the FCMAT report is not yet final, the team provided County Superintendent Jordan with a progress report that included some of its findings to date. Some subject areas of the investigation in the audit and the charter renewal process were overlapping. The FCMAT preliminary findings are consistent with what the staff review revealed as described in the report.

Ms. Greely said the essential charter school compact is that in exchange for autonomy, schools will be held accountable for meeting specific outcomes and legal obligations. Charter schools received public funds and are accountable for their use. She stated new State Regulations on Charter renewal specifically directs chartering districts to consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success. She said it is consistent with District Charter renewal standards. AIPCS II did not meet the standards. She said the key questions on Charter review that are phrased in the Charter Renewal Quality Standards relate to the school being academically sound. She stated the staff report concludes the school is academically sound, however, the report notes concerns about the school's willingness and ability to meet the needs of special populations, including students without IEPs, English Language Learners, and students identified as homeless.

Ms. Greely said the second key standard relates to the school being an effective viable organization. She stated the report finds the school to be well short of the standard in several areas of responsible governance and fiscal responsibility. She stated governance oversight is weak with the Board demonstrating a lack of understanding of Charter School obligations, including conflict of interest, financial oversight, and parental engagement, and monitoring of financial plans. Fiscal policies were unsatisfactory. Resources were directed

away from student learning.

Ms. Greely said the third key standard relates to the school's faithfulness to the terms of its charter. The report finds the school has acted contrary to the terms of its charter and applicable law in several areas, including governance, financial accountability, admissions process, and teachers credentials. She said this is supported by the information available from FCMAT.

Ms. Greely stated there is compelling evidence demonstrating that the school has failed to meet its responsibilities to the students and to the public. Based on these findings, Ms. Greely said it is the recommendation of the staff to deny renewal of the charter.

Director Gallo stated AIPCS II has a 100 percent placement at the college level at UC Berkeley, Yale, and Dartmouth. He commended parents and school community of AIPCS. He stated the report refers to lack of parent engagement, but parent engagement is visible when the school has a 98% attendance rate.

Director Gallo stated we have an outstanding student body of Oakland children and that is what the Superintendent always seeks. The issue before us is to approve the performance and our staff just said we meet all the goals academically. He commented on the FCMAT report which appears to single out Dr. Ben Chavis. The allegations are unproven and it is unclear whether the school has been given an opportunity to respond to the accusations, individually, or as a body. Director Gallo asked Superintendent Smith, based on FCMAT information, has the FCMAT report been available to the charter school people to comment on? Director Gallo stated the Board of Education is being asked to make a major vote decision tonight based on allegations and hearsay. Director Gallo stated he needs to hear if a response has been received from the school.

Superintendent Smith said there are two issues. (1) As the Superintendent, information from a whistleblower came forward to him. His job is not to determine which whistleblower has information that is legitimate or not. He said he was approached with information which he passed on to the County Superintendent who is doing her diligence. (2) We are held to Charter law and Charter standards.

Superintendent Smith said the District operation and the in-district charter review process is to follow Charter Law. When we review against all dimensions of Charter Law, staff's recommendation is in compliance with legal requirements. Superintendent Smith said the other piece about FCMAT is external and it has been published and made public by FCMAT. When we published our staff report, it is a public document. He said he cannot speak to the relationship between FCMAT and the American Indian Model School.

Director Gallo stated the school leadership has not had an opportunity to respond. He noted a deadline of April 30 when it was to be publicly released.

Ms. Greely said she was unaware of any communications between FCMAT and the school.

Director Gallo referenced the staff ratings based on criteria. He said there were many "3's", some "2's" and some "1's" with the highest rank being "5". He said the evaluation of the academic program is sound based on the numbers. He said staff noted other challenges in fiscal management and governance. He asked if the challenges, as expressed, have been given to the school and has the school had an opportunity to respond?

Ms. Greely said the report itself was available to the school and became available when it was posted. In addition, the Board President of AIPCS requested a meeting with her. They met and she expressed some of the concerns at that time which was before the report was finalized last Thursday. The meeting with the Board President of AIPCS was held the

Friday before that.

Director Gallo said he first saw the report on Monday. He asked if it had already been discussed and negotiated with the school staff? Ms. Greely responded that she did not discuss the report itself. The report had not been finalized and approved for posting at the time she had the meeting with the Board President. Ms. Greely said their standard procedure is that they make the reports available to the schools at the time they are available to the public. She said there is not a negotiation about the report.

Director Spearman stated it appears that staff has made their recommendations on the concerns of the FCMAT report which says it is not final. There has not been a finding of fact. Ms. Greely stated the FCMAT document refers to a progress report, including preliminary findings that are not final. She said our report is based on a larger body of evidence from the charter renewal process and is not based solely on this report.

Director Spearman asked if the school was given an opportunity to remedy some of the fiscal improprieties as identified by staff? Ms. Greely stated the standard process for charter renewal is to gather the evidence and prepare the report. The process for FCMAT includes more engagement. She said staff did not go to the school with a list of fiscal improprieties and provide an opportunity for the school to cure.

Director Spearman asked if there was any response from the school? Ms. Greely said the production of the report does not include a step where we ask the school to respond to a draft report or specific items from the report.

Director Spearman asked staff, if during the evaluation, did the school respond to staff questions? Ms. Greely responded that staff conducted a two-day site visit and they responded to the questions at that time. We asked for follow-up information to which the school also responded in at least two separate follow-up requests for specific documents. Director Spearman said she looked at the packet of material and the recommendations from legal. She has not seen any response from the school to dispute or confirm. She said the staff report is written on the concerns of the FCMAT report which they state in their report that it is not final and they do not assign guilt and the final report will not be final until April 30. Director Spearman stated before she makes a decision she would like to have some of these concerns answered by the school. She stated there has been no evidence given to the Board about due process in the deliberations of the findings. She said the school has approximately \$2.5 million in the bank and they are not fiscally unsound and it is extraordinary that the school has an API at more than 900 and it is the third highest scoring school in the state. Director Spearman said this Board has closed charter schools for being fiscally unsound. We have also closed schools because they were academically unsound. Director Spearman asked to hear responses from the school before she makes a decision.

Director Yee referred to the two attachments to this agenda item. He asked if staff considers the concern unresolved even though it was presented to the school in January? Ms. Greely stated we have not gone the next step in this process which would normally be a notice of violation because this renewal was pending at the time.

Director Yee asked about the area of teacher credentialing. He said the school had several months to resolve that issue. Ms. Greely stated there are still two teachers at the school who do not have proper credentials. At the point in time, there were five teachers at the school without proper credentials. She said there were some teachers who were hired with no credential who subsequently obtained a credential, emergency permit and there were two teachers who subsequently left the school. Ms. Greely said it was her understanding the two teachers are in the process of receiving emergency credentials.

David Montes de Oco, Executive Director, Quality Community School Development Group, stated the credentials evaluation process for teachers in the District would require a valid credential prior to an offer of employment.

Vice President Hinton Hodge had the following questions and concerns that were raised by other Board Members. She said a final report or evaluation is our responsibility to do. How we operate has much to do with the sustainability of a school and the sustainability of a particular community. She said her dilemma is how to support young people and families doing stellar scholarly work and that they are going to be productive citizens. She asked about our process to demand administration and operational corrections, that we have been in situations at looking at other charter schools and we have said "there is something there", that there is some heart and ownership to recognize when things are not okay, and the school has to be a part to allow that thing to move forward. She said we have stretched ourselves at different times from diverse providers to partnerships and we have tried to ensure that inside of our city, young people are getting those opportunities. She asked if there has been any consideration to wanting to acknowledge what needs to be changed in order for this thing to be sustained?

Superintendent Smith stated the standard charter review process has been completed. Staff brings a recommendation to the Board. The Board can amend the recommendation and direct staff to do something different. He said there are two parallel processes as explained by Ms. Greely. We have done our in-district review. There is some overlap and we did not base our report on an external review. He said the issue before the Board is to review staff data and documentation and make a decision.

President London invited the Board President of the AIPCSII to respond to the information in the report. Michael Stember stated there is a specific process which he has approved along with his Board which he would like to see carried out.

PUBLIC COMMENT:

Jason Chu, 6th grade teacher at AIPCS II, said he spoke to the Board at the last hearing and he encourages the Board to keep the students at the forefront. At the last meeting, school community members spoke about the extraordinary opportunities that education from AIPCS directly provided. He asked the Board to let the school stay open and to let the school expand. Mr. Chu said the Charter Schools Office did not hear their voice. The two-day renewal process at the school took only 30 minutes for charter school staff to speak to teachers and students. At the core, they have successfully created a unique, dedicated community of educators and students. If the school is dissolved, it would be an injustice to the community and to the students.

Director Kakishiba stated the Board has authorized three separate charter schools under the AIPCS organization. The Board is deeply concerned about disrupting any school operation. He said the AIPCS Board President has a great deal of responsibility. The report is very clear. While there are some questions about some of the methodologies around the educational program, the school is producing outcomes that we are not questioning at this point. The issues around capacity of the AIPCS governing board to provide the necessary oversight for the corporation and this school, and the management practices and the fiscal controls of the corporation is questioned. He asked if the AIPCS Board or chief executive had a response about OUSD's assessment.

Michael Stember, AIPCS Board President, stated the Board is relatively new. The District's report was very accusatory. He said they have several trainings. He and Christina Chen, Financial Administrator, attended FCMAT training. They have addressed and resolved every weakness. He reviewed the answers to FCMAT. He said Ms. Chen has been working directly with FCMAT during the entire investigation.

Christina Chen, Financial Administrator, American Indian Model Schools, stated she has not seen any evidence of fraud or misappropriation of public funds. She said it is unfair that the Charter School Office recommended the closing of their school based only on preliminary concerns and a draft report prepared by FCMAT. Ms. Chen said she has crafted a response to all preliminary concerns of FCMAT and provided the report to the Charter Schools Office. She said the allegation is false regarding the facility lease agreements signed by the founder and with no authorization from the Governing Board. All lease agreements between the Founder and the schools were approved and signed by the AIM School Boards. In addition to that, the Founder gave the school significant discount to use the space on his property--normally \$700,000 for two floors; they pay less than \$300,000 for three floors, or \$1.66 per square foot. She stated they have evidence that the agreement was authorized by the Governing Board and she has already submitted the supporting documentation to FCMAT.

Ms. Chen said the allegation is false regarding large expenditures for construction projects that lack supporting documentation or authorization from the Governing Board. She said all construction agreements between the Founder's business and AIM schools have been approved and signed by the AIM School Board Members. She said the Founder donated \$325,000 back to AIPCS for scholarship funds to send students to college.

Director Kakishiba said the point is about Board oversight and sufficient documentation that supports the expenditure. Ms. Chen said there is documentation which has been submitted to FCMAT.

Director Spearman stated the inference is that the school entered into a contract with a company that was owned by the founder. She asked about the legality of such a contract with the Board of the school.

Director Kakishiba asked if AIPCS is denying each concern? Mr. Stember stated they are.

Director Yee said the issue is the relationship of the Founder to Board and staff decision making. He asked AIPCS staff if Dr. Ben Chavis is a current or previous member of the Board when decisions were made? Mr. Stember stated that Dr. Chavis was not and that Dr. Chavis was on the Board for less than three weeks. He traveled to North Carolina and asked Dr. Chavis to return to get the school back to its original form.

Director Yee asked about the Board and the administrative team in place and whether the school accepts the responsibility for doing something as the Board. He said most of the allegations have to do with the administrative leadership of the school.

Chris Rodriguez, Board Member, AIPCS, stated he has been on the Board since late 2011. He stated new Board Members are here to address some of the operational shortcomings that exist at the school.

Regarding the AIPSC elementary school, Director Yee asked if the Board discussed the decision to open up a private school on the campus and the implications of that to charter renewal? Mr. Rodriguez stated Little Hands has nothing to do with their operation or school. He said Little Hands is a private school. The extension of the school year is about adding more school days.

Director Yee asked about the grade configuration for the current charter. Mr. Rodriguez stated it is for Grades 5-8.

Katema Beckford, Site Administrator, stated they did everything by the book. She personally submitted credential requests for three staff members. She called several times

and was told it was in process, only to be told later that it was lost and no one ever received them. About six weeks ago, she personally gave the information to Lupe in the Charter Schools Office again who advised that they were wrong and not done properly. Within 24 hours, the information was corrected and delivered to Gail Greely. Today, Lupe, after more than six weeks, notified her that the credential request was not honored. Ms. Beckford said they tried to build a relationship with Ms. Greely and her staff and for some reason, it is not about the children for Ms. Greely.

Director Yee asked if there were teachers without credentials on staff when she arrived in October. Ms. Beckford said they were in a CLAD program. She said they requested all necessary information for the teachers and there are steps to be followed to get credentials.

Ms. Greely said the certification process for charter schools is the same for other public school teachers.

Director Gallo had the following questions for Christina Chen. Is she required to prepare an annual financial audit, and if so, has it been made available to this District? She said yes to both questions.

Director Gallo asked if the auditor was present? Mr. Anthony Jeffrey stated he has been auditing the American Indian Public Charter School II for four years.

Director Gallo asked the following questions: Within audit and written statements, was there any fraud, corruption, or implications of mismanagement? Mr. Jeffrey said the objective of the audit is to review the financial statements of the charter school and to render an opinion whether the financial statements are fairly stated, regardless of fraud or errors. For the past four years, they rendered an unqualified opinion.

Director Gallo asked the following questions of Dr. Ben Chavis: Has he had an opportunity, based on FCMAT allegations toward his conduct, to review these and respond to them? Dr. Chavis said he did not get a copy [of the allegations) and he has not seen them. He said he was in North Carolina when AIPCS called and informed him about them. His understanding is that when FCMAT came down, they wanted a list of things. He provided all items requested by FCMAT and everything requested from the school was also provided.

Director Gallo said the report contains serious allegations about Ben Chavis. He asked Dr. Chavis if the FCMAT report is accurate? Dr. Chavis said FCMAT was very honest. What they said was "these are concerns" and nowhere did they say they discovered any fraud or that he has done anything wrong. The newspaper presented their concerns. FCMAT did not acknowledge any fraud or that he committed fraud. He provided everything that was requested from the school.

Ms. Beckford stated all teachers do have the CBEST as required by law and they were already in a CLAD-embedded program.

Director Yee asked if teachers were asked if they had the CBEST when they were hired? Ms. Beckford stated they were all in a CLAD-embedded program and all three teachers had the CLAD when hired.

PUBLIC COMMENTS ON THIS ITEM

Jim Mordecai said in order for the Board to have oversight, the Board has to reply upon the governance to get information. It was very clear in the report that they could not get clear information. The issue is not about Dr. Chavis-- it is about their governing board who is not

responsible. He urged the District to deny the renewal.

Lorissa Zavala Singleton, former teacher at American Indian Public School stated Dr. Chavis and his wife committed fraud. They stole millions of dollars with impunity and the only reason the school is in jeopardy of closing is because Dr. Chavis refuses to take his greedy hand out of the cookie jar. She said if Dr. Chavis and his wife left, the kids would have a school. She asked Dr. Chavis to resign. She asked what will the District do if other schools start to steal? She said the hand-picked incompetent Board also has conflict of interest ties with Dr. Chavis.

Mr. Rosario, speaking through a translator, stated he is concerned about the possible closing of AIPCS II. He is concerned about his child's education and the education of the children of Oakland. He said education is fundamental in this nation.

Bernadette Deville, parent, said children should not be made to suffer for concerns regarding adults. She said they are not going anywhere and they will not be moved.

Ken Adler, certified auditor and parent of two special needs children enrolled at AIPCS, stated his children will be directly impacted by the Board's vote tonight. He said the auditors had warned that the allegations are not validated and they are preliminary concerns, not fact. He said he feels more empowered and his kids receive more attention than they ever did when they attended District schools. Mr. Adlr stated the District has not made any effort to seek input from the families that are going to be directly impacted by tonight's decision. The school is financially sound. He asked the District not to eliminate AIPCS tonight based on preliminary concerns that are not fully validated. He asked the Board to vote "NO" on the motion to deny.

Margaret Chuong, parent, spoke about the individualized attention her sons and daughters receive at AIPCS. She asked the Board to renew the AIPCS petition.

Carl Chan said the Chinese community is extremely concerned about the possible closure of AIPCS. He stated the possible closure of the school is shocking when we hear about the school's API being the second or third in California. He said we should be talking about expansion, not closure. He said AIPCS is an investment.

Thomas Yeh, parent, spoke in support of AIPCS. He said the District should allow the school to fix whatever is wrong.

Cecilia Wong, parent, spoke against the possible closure of AIPCS. She spoke of the school's very high score and the students are doing a great job. The District said AIPCS is 98% Chinese. She said this is a Chinese community and Lincoln Elementary School is also a very good school and is 99% Chinese. After they graduate from the elementary, where are they supposed to go?

Raymond Wu, parent, said his son likes AIPCS and has improved his math and English skills. He asked the Board to keep the school open.

Kayla Pouncy, student, AIPHS, spoke of the dedication of her teachers at AIPHS and they have taught her a great deal about what she can achieve. She is enrolled in AP Honors courses and has a 3.67 GPA. She asked the Board to reconsider its motion to close the school.

Arturo Garcia, student, AIPHS, said the school has devoted teachers. The intention to close AIPCS II is worrisome and disrespectful to every teacher and student who is a part of AIM schools.

Arlette Hernandez, student, AIPCS II, said she has learned about responsibility and ownership at AIPCS.

Amelia Chavez, (speaking through a translator) said she has talked to her daughter, Arlette, about education. She asked the Board to keep AIPCS II open.

Malia Jules and Nakai Loggin, students, AIPCS II, said AIPCS has been an exceptional and phenomenal school. They asked the District not to close AIPCS.

Neferti Williams, parent, requested the District to allow time for the school to work through the issues, as opposed to closing the school.

Steven Leung, parent, referred to the high API for AICPC with its ranking of 2 or 3 in the State. He requested the Board to keep the school open.

Jeremiah McDowell, Dads' Club at Grass Valley, urged the Board not to close AIPCS II.

Elaine Huang, parent (speaking through a translator), asked the Board not to close AIPCS II. She lives in Castro Valley and drives her daughter to school every day.

Thunder Aung, student, AIPHS, stated they are a family at the school. They are working for academic and social excellence. She spoke of the motivation she received from her teachers at the school.

Janie Chen, student, AIPCS II, spoke about the consequences if the students are required to attend another school. She asked the Board not to close AIPCS II.

Stephanie Li, student, AIPCS II, said the school is excellent and has helped her become a better person. Their academic lessons are explained until they are understood. She asked the Board to give the school a chance to thrive.

Katie Li, AIPCS II, spoke in support of the school which is giving her a great education. She asked the Board to keep the school open.

Jenny Chen (speaking through a translator), parent, chose to enroll her son at AIPCS II although she lives in San Leandro. She noted the school's API score of 990. Why would the Board want to shut down a school that makes us proud?

Mecole Tate, parent, said her daughter chose to attend AIPCS II because she was not academically challenged at her previous District school. She said AIPCS has new books for their students along with after school programs. She asked the Board to maintain the school.

Judi Marquardt said Ben Chavis has proven that he can take care of our AIPCS kids. If there are questions of the Board, she is willing to step up and share what she can.

Tina Huang asked the Board to not close the school. The teachers do their job and the students are successful.

Simon Seeto, parent, AIPCS II, said his son has shown great improvement since transfer from a District school. His wish is for his son's continued enrollment at AIPCS II.

Katrina Brown, parent, stated her daughter enjoys attending AIPCS II and the school has a safe environment. The students deserve our support.

Alicia Flores, parent, said her daughter likes the school. At her previous school, her

daughter cried every day. Now, she looks forward to going to school. She asked the Board to keep the school open.

Jean Jackson, grandmother, said the situation is not about money. Oakland kids are failing and the Oakland schools are poor. The greatest thing to happen is to have charter schools come into existence.

Nedar Bey, member of the AIPCS advisory committee, said the students in the American Indian Public Charter School have twice the number of hours in math and English, and more days. Other schools have used the AIPCS model.

Ryan Young, teacher, AIPCS II, said the school has more than 300 students and it is an amazing place. The teachers work hard and have 12 hour-days.

Kevin Covarrubias, student, said he has not seen any evidence of fraud at AIPCS II. He asked the Board to consider the families and students of AIPCS in its decision.

Edward Moreno, former student of AIPCS, and now an employee, stated the school is in a transition phase, has a new Board, a robust staff, and is ready to develop as a faculty.

Oscar Wright said the situation is about our children and closing a school that has proven itself. He said it is absurd to come up with a lot of innuendos and accusations and to cause justification of a lot of questions for the school to remain open.

Nadja Pentic, parent, stated the family moved last year from San Francisco so that her son could attend AIPCS. Her son attends school every day. The kids are happy and safe. She asked the Board to put the kids before the politics and keep the school open.

Jennifer Avelino, teacher, stated she tests what works for her students, builds relationships with the students and earns their trust to decide what was best for them academically. The school builds teachers and creates space where they can learn things about teaching, students, and schools. Their teaching methods get results.

Kelly Yu, student, said the school is strenuous, but it is worth it. The school has had more results in the past five years than many of the schools that have been open for far longer. All the hard work pays off. Teachers are strict and discipline is harsh.

Claudia Walker, Site Administrator, AIPCS, noted a recent accomplishment of 100% of their seniors accepted into four-year colleges since their first graduating class in 2009. She stated they are not asking for a bail out. They are asking that their families and students be afforded the same opportunities that were afforded students when similar allegations were levied against the District.

Seth Burns, teacher, stated the students spend hours at school every day working on their homework, and enrichment activities. Their students are excited to take the STAR test. He urged the Board to not close the school.

Chong Chi Wong (speaking through a translator), said the school enrolls different diversities to fulfill the requirement of the District. Everyone has acknowledged the excellence of the school. If the school is closed, the future of the students will be destroyed. He asked the Board to support the school to stay open.

Rosa Vargas, parent, said her son attended AIPCS and is in his second year at a university on full scholarship.

Michael Yu spoke on behalf of the parents. He thanked all the teachers and staff. If there

is a problem with the director or former director, the problem needs to be solved. The school should not be closed. Where will the children go?

John Ng, Oakland resident, said he has lived in Oakland for more than 25 years. He listened to both sides of the arguments and there is insufficient evidence to make such a decision. He looks forward to a better future in his child and choosing a school is a very important process.

Eric, student, AIPCS, stated he has been enrolled since the campus first started. They are fighting for the survival of their school, hopes, and dreams.

Jorge Paredes, student, AIPCS II, said the school is his family and he wants to preserve them. He asked the Board not to close the school.

BOARD DISCUSSION

Director Dobbins stated we cannot fault our staff as they are following the law. Any issues surrounding malfeasance need to be taken up with the District Attorney's office. Director Dobbins said other charter schools have been given opportunity to reconcile issues and it appears AIPCS II has worked out the credentials issue. He stated we need to allow time for the school to remedy some of the issues without closing the school.

Director Spearman made a substitute motion to deny recommendations of staff and to approve renewal of the school with conditions that the governance team seek professional development and grow; And that the school's organization, along with the governance team, adopt acceptable accounting principles.

Vice President Hinton Hodge stated she would like the charter to be approved for two years, as opposed to a five-year renewal. She said she has no problem with the academic gains of the school or the methodology, rather, she has a problem with the foundation.

Director Spearman said she would support adding a two-year condition to her motion.

Vice President Hinton Hodge asked if there is a proposal by AIPCS II for expansion?

Gail Greely, Coordinator, Charter Schools Office, responded the petition proposes K-8.

Vice President Hinton Hodge stated her amendment would be that there would be absolutely no expansion. She would ask the school to build its foundation, and, in two years come back to the full Board and discuss the expansion.

Director Spearman asked about the current configuration of the school. Ms. Greely stated the school is authorized as 5-8 and they are asking for a K-8.

Director Gallo stated he seconded the substitute motion because he is willing to support the renewal of the Charter Petition as written with the modifications related to the issues of governance and strengthening of the accounting principles and practices. He said it needs to be clear about the strengthening of the communication between the District and the charter school and he asked staff to give an annual report in terms of progress.

General Counsel Minor stated by law the Board can only renew for five years. Under the statute, if during the five-year renewal period, there are indications of violations of the Charter Law, the Board authority is revocation.

Director Gallo said he would second the five-year extension request.

Director Yee asked staff to comment given that it is not our charter to amend .

David Montes de Oca, Executive Director, Quality Community Schools Development, stated there is wide discretion as to what the Board approves or does not approve.

Director Yee said the decision made by the Board has not necessarily the same result as closing a school and ending a school. It is to end the charter of which the school is operating. We have staff recommendations about the leadership and fiscal responsibility that the Board is willing to undertake. He stated he has not heard a convincing acceptance of the findings and there are legal ramifications with respect to the upcoming FCMAT results.

Ms. Greely stated the action before the Board is to act on the petition for renewal. The other two schools are not impacted by this decision.

Director Yee asked if the County overturns a Board decision to deny the charter , then that decision they will make will have benefitted from the final report of FCMAT auditors with respect to the specific allegations being made to the County Board of Education.

Ms. Greely stated if the petition is not renewed, the organization has the right to appeal to the Alameda County Office of Education. If the County does not reverse, the organization has the right to appeal to the State Board of Education. At some point, if the petition is not renewed, the current charter will expire on June 30, 2012.

Ms. Greely stated we have information from FCMAT that their report will be finished by the end of the month. The timing of an appeal would allow the report to be finished before the County makes a decision. If the County grants the renewal, then the school becomes authorized by the County and it is not authorized by the District.

Director Yee asked if the Board denies the staff recommendation and accepts Director Spearman's amendment, and the charter school is found by FCMAT to have serious fiscal and leadership violations that might have been raised in the initial report, whose responsibility is it to take action?

Ms. Greely said the County Superintendent has responsibility to report those findings to the State Superintendent and FCMAT has a responsibility to report to the District Attorney if it finds a reasonable basis for conclusion of fraud.

General Counsel Minor stated her opinion is based on the specifics of the FCMAT report . She said there are timing issues, i.e., delay of FCMAT report and there are issues about jurisdiction of the authorizer of the Charter. She said there are a host of requirements that the Board can impose as a condition to the charter in the areas of accounting, leadership, and financial requirements.

Director Gallo congratulated the American Indian Public Charter School community . He said the school has gained academically and exceeded everybody. The school can meet the challenges that are being presented. He said the issue of FCMAT is a different discussion. If there is criminal action to be taken against anybody, that is a separate action. Our action this evening deals within the context of serving students. Director Gallo stated the-five year petition is something we have to do and he is willing to stay strong on that motion with the conditions that our staff work with the American Indian Charter School to deal with the fiscal, governance, and accounting issues.

President London stated there is concern, even before the FCMAT report, of serious abuse

of the public trust in the governing entity of this organization. She said we all recognize that the students are doing very well, but the organization is not following the law. President London stated she is not interested in giving the school a blanket five-year renewal. Her preference would be to deny the Charter to give the school an opportunity to appeal it to the County when the FCMAT report is available and give the school another venue. She said an alternative would be that the school could voluntarily withdraw its charter tomorrow and resubmit it with a plan for addressing management concerns raised by District staff.

Director Kakishiba stated the testimony is that the entire report is not accepted and there is nothing to be learned through review by staff or by the FCMAT report. That does not inspire confidence in him to make a decision that we will be able to work together to resolve any issues with financial management of the American Indian Model (AIM) Schools organization. He said it is not about Ben Chavis. There are no clear and specific charges of corruption or fraud. It is very clear that when an organization lacks internal financial controls and when a Governing Board is not providing effective oversight, then the risk for fraud is very high.

Director Kakishiba stated he is going to vote for the original motion. If we deny tonight, the Charter School has an opportunity to appeal to the County with an opportunity to convince the County that has a strong record of overturning our denials.

Vice President Hinton Hodge said she wishes to support Director Spearman's amendment. She is uncomfortable with not having any conditions. Legally, she said there is a lot of ownership that has to happen.

Director Gallo stated he agrees with most of the comments made by Director Kakishiba. He differs along the lines that we have an opportunity to maintain control. He said the bottom line is that it is difficult for him to accept when he has the best school in his neighborhood and for him to come back and shut the school down based on some recommendations. Director Gallo stated he has heard that the school's financial staff is willing to make the changes necessary to get to the level that staff is recommending. He said those are the conditions that we can put in place and direct our staff to work with the charter school as we have with some of the other charter schools.

Director Gallo said he would support the motion that the Board grant the Charter with the conditions that the board, fiscal and staff need to be more responsive to meet some of the requirements.

President London clarified the wording of the substitute motion: To deny the staff recommendation and to renew the charter with conditions--professional development for the governance team and different accounting procedures and processes put in place.

President London stated there was an interest in keeping the current grade level configurations and not granting the expansion.

Director Spearman stated the condition is included that AIPCS has to come back to the full Board within two years to show that they have made the changes that we have requested. At that time, if the school has not met conditions, the Board of Education will move for revocation. Director Spearman stated it needs to be understood that if the school does not come back in two years and make the changes in the financial practices and receive charter school board training and understands their responsibilities as a board, the Board will move for renovation.

President London clarified the wording of the substitute motion: To renew the charter with the following conditions: that there be professional development for the governance team, that they institute generally accepted accounting practices, and that they report back to us

within two years with demonstrable change, or we will move for revocation.

Director Kakishiba stated on the earlier item for the American Indian Public Charter School application, he made comments that the Alameda County Board of Education routinely overturns the denial decisions made by this Board. Director Kakishiba apologized to the County Board for that remark. He said the County Board does its due diligence and makes their decisions based on the facts.

Moot, As a Result of Other Legislative Action

12-0445 Decision - American Indian Public Charter School II - Petition and Proposed Charter (Renewal)(Substitute Motion)

Approval by the Board of Education of renewal of the American Indian Public Charter School II - Petition and Proposed Charter (Renewal)(Substitute Motion) with the following conditions: that there be professional development for the governance team; that the school institute generally accepted accounting practices, and that the school report back to the Board within two years with demonstrable change or Board will move for revocation.

See discussion under Legislative File 12-0444.

Adopted

Aye: 4 -

Director Noel Gallo, Director Christopher Dobbins, Director Alice Spearman, and Director Jumoke Hodge

Nay: 3 -

Director David Kakishiba, Director Gary Yee, and Director Jody London

Absent: 2 -

Student Director Isabel Montoya, and Student Director Donovan Reid

Non-voting:

Enactment No: 12-1466

12-0447 Decision - American Indian Public Charter School II - Petition and Proposed Charter (Renewal) (Main Motion - As Revised)

Approval by the Board of Education of renewal of the American Indian Public Charter School II - Petition and Proposed Charter (Renewal)(Main Motion) with the following conditions: that there be professional development for the governance team; that the school institute generally accepted accounting practices, and that the school report back to the Board within two years with demonstrable change or Board will move for revocation.

See discussion under Legislative File 12-0444.

Adopted

Aye: 4 -

Director Noel Gallo, Director Christopher Dobbins, Director Alice Spearman, and Director Jumoke Hodge

Nay: 3 -

Director David Kakishiba, Director Gary Yee, and Director Jody London

Absent: 2 -

Student Director Isabel Montoya, and Student Director Donovan Reid

Non-voting:

Enactment No: 12-1467

Recess

President London recessed the meeting at 10:08 p.m.

Reconvene

President London reconvened the Public Session at 10:20 p.m.

Third Roll Call

Present 7 -

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

Absent 2 -

Student Director Isabel Montoya, and Student Director Donovan Reid

[12-0455](#)**Decision - Conservatory of Vocal/Instrumental Arts (COVA) - Petition and Proposed Charter (Renewal)**

Approval by the Board of Education of the Conservatory of Vocal/Instrumental Arts (COVA) - Petition and Proposed Charter (Renewal), as revised, pursuant to terms and conditions contained in the staff report dated April 4, 2012, incorporated herein by reference as though fully set forth.

Attachments: [12-0455 - COVA - Petition and Proposed Charter \(Renewal\).pdf](#)
[12-0455 - Presentation - COVA - Petition and Proposed Charter \(Renewal\).ppt](#)
[12-0455 - Decision - Conservatory of Vocal/Instrumental Arts \(COVA\) - Petition and Proposed Charter \(Renewal\)](#)

Gail Greely, Coordinator, Office of Charter Schools, reviewed staff report and recommendation for COVA, a result of staff review of the school's performance across various measures of District's charter renewal quality standards. She stated COVA opened in 2007 for two years and subsequently was extended by material revision. The current enrollment is approximately 234 students in K-8. The current student population is approximately 50% African American with the remaining 50% mostly White and Hispanic students. Ms. Greely said there is some gender imbalance in the program-- 65% of the students are female. The special needs population is small and the services are received through the District.

Ms. Greely said the school's measurable pupil outcomes (MPO) include both academic and music performance consistent with the school's mission. The school has met or made significant progress toward meeting the majority of the MPO outlined in its current charter.

Ms. Greely said COVA currently has an API of 868 with a state-wide rank of 8 and a similar schools rank of 10.

Ms. Greely reviewed the strengths of the program, including students performing well on standardized measures, along with strength and rigor of the music program for academic learning. Teacher retention has improved and professional development has been provided to improve instruction.

Ms. Greely stated COVA has had some challenges in the areas of governance, fiscal management and compliance. The school has replaced its financial services provider and auditor and has begun a strategic planning process along with board development activities. COVA has restructured its parent organization and has recently hired a new principal to support the director.

Ms. Greely stated COVA is deemed to be academically sound with implementation of the conditions included in the report. The school is deemed an effective, viable organization and the school has been faithful to the terms of its charter in all material respects.

Ms. Greely said staff recommendation is to approve the charter renewal petition for COVA for a period of five years with the stated conditions, and, as revised to include required text revisions contained in the report.

There was no public comment on this item.

Adopted

Aye: 7 -

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

Absent: 2 -

Student Director Isabel Montoya, and Student Director Donovan Reid

Non-voting:

Enactment No: 12-1011

 [12-0804](#)

Presentation - Center for Youth Development Through Law - Proposed Summer Internship Program With District

Presentation by Maria Santos, Deputy Superintendent, Instruction, Leadership and Equity-In-Action, on the prospective 2012 Summer Internship Program with the Center for Youth Development Through Law at Castlemont High School.

Attachments: [12-0804 - Presentation - Center for Youth Development Through Law](#)

Director Spearman stated we use mentors that are in the world of law to introduce law to a significant amount of students in the District. This program now has Oakland youth. She is bringing this program to the Board to consider partnering with this program so they can serve more Oakland youth. The program aims to focus on Fremont and Castlemont because many attorneys and judges in the Bay Area all came out of those two schools. Nancy Schiff, Director, Center for Youth Development Through Law, used a PowerPoint on the mission and objectives of the program. She said they are currently working with high school students in Oakland, Berkeley, and Richmond. The idea of the project is an exploratory discussion to do more with Oakland youth. One element would guarantee 14 slots for Oakland students in their two month program and provide an after school program during the school year at Castlemont. She said the Summer Legal Fellowship Program is two months long, full time, and includes classroom activities on the UC Berkeley campus. They have activities and classes in law. A big part of it is life skills, career readiness, social and emotional development, and career and college development. The students receive a \$1,400 stipend, go into a law firm or government office, or nonprofit organization, four days a week for seven weeks, to experience what it is like to have a job.

Ms. Schiff said an after school program could be done. During the school year it would be 30 weekly after school sessions per year. Topics could include legal rights and responsibilities, current events, social justice, and law related careers.

Goals are to foster individual's legal and civic interest empowerment, self-confidence, problem solving and communication skills and educational aspirations and engagement.

Key elements of both programs: most of them are lawyers, judges, other law related professionals, and law students. Diverse racial ethnicity, gender and economic background wise, cultural competent and ability to connect with youth and program graduates are included as teachers and volunteers.

Vice President Hinton Hodge said McClymonds had a law academy recently and it disappeared a year ago. As we think about partnering, we need to think about the issue of sustainability. She asked if a restorative justice peace is part of the proposal.

Ms. Schiff responded they started a small component about restorative justice last year as an exploratory item and it will be expanded this year.

Discussed and Closed

Enactment No:



[12-0819](#)

Board Policy and Administrative Regulation 5121 - Grades/Evaluation of Student Achievement

Discussion with the Board of Education - Board Policy/Administrative Regulations - 5121 - Grades/Evaluation of Student Achievement and possible future recommendations for revisions, if any.

Attachments: [12-0819 - Board Policy 5121 - Grades-Evaluation Of Student Achievement](#)
[12-0819 - Administrative Regulation 5121 - Grades-Evaluation Of Student Achievement](#)

Due to the lateness of hour, President London tabled this item.

Tabled

[12-0826](#)

Report - School Portfolio Management & District Restructuring Decisions - Kaiser and Burckhalter Elementary Schools - Effective School Year 2012-2013

Presentation by Superintendent of Schools - Update Report - School Portfolio Management & District Restructuring Decisions - Kaiser and Burckhalter Elementary Schools - Effective School Year 2012-2013.

Attachments: [12-0826 - Report - SPMDRD - Kaiser and Burkhalter Elementary Schools - Effective School Year 2012-2013](#)

David Montes de Oca, Executive Director, provided an update to Resolution that directed staff to establish by August 2013, for Kaiser Elementary and Burckhalter Elementary Schools, within facilities located at their current facilities, or an alternate location, to allow for growth up to at least 380 students.

KAISER ELEMENTARY SCHOOL:

Mr. Montes stated we initiated engagement at Kaiser School community in February. We have had four small group engagements and one large group engagement. We focused that work on establishing trust and getting to issues that arose from the fall, gaining a common understanding of the resolution of the Superintendent and of the communities; defining a process and time line for generating proposals; and understanding both the school and central office perspective regarding priorities for a viable expansion option.

Mr. Montes said we have engaged with members of the school community who have expressed a deep commitment to Kaiser School program and a desire to remain at their current location. Representatives have communicated that relocation is detrimental to the future of their program. Staff has established an ongoing meeting structure and is working with the community of Kaiser Elementary representatives, a meeting of approximately every three weeks to discuss the development of proposals for expansion by 2013 at their current location or alternate site, final proposals would be submitted to the Superintendent's cabinet by QSD in collaboration with the network office and facilities department and a proposed date for the Superintendent's recommendation to the Board are for December 2012.

President London asked about the level of involvement of the school community near the school.

Mr. Montes said the larger group meeting appeared to have more representation of individuals representing themselves as living in the neighborhood.

BURCKHALTER ELEMENTARY SCHOOL:

Mr. Montes said the engagement started in December with Burckhalter. We conducted monthly meetings facilitated by administrators and there have been logistical meetings and meetings at Lakeview and Burckhalter, to focus on the implementation of a proposal developed by site leadership representatives at both Lakeview Elementary and Burckhalter Elementary to initiate a merger of two school programs to be located as a single school program at the Burckhalter Elementary School Campus for the fall of 2012.

Mr. Montes said, in line with the Board's directive toward expansion, the Burckhalter projection for next year is 322 students which is an increase of 146 students from the current year and the additional facility space that had previously hosted additional classrooms should allow for the school's continued growth. As we provide a progress

report in December, we can speak on the continued growth of the program up to the expected 380 students.

Mr. Montes said we are focusing on both engagement of the school communities as they transition together, supporting the staff, as well as the facilities related to the changes and the programmatic implications.

Director Dobbins asked if the majority of the additional students are from Lakeview? Mr. Montes said that process has not been completed yet.

PUBLIC SPEAKERS ON THIS ITEM

Jim Mordecai asked about the creation of portables and the possibility of "ghetto"izing one group. He said the issue of integrating is a sensitive issue.

Discussed and Closed

J. New Business

Teaching and Learning Matter(s)

 [12-0868](#)

**Amendment No. 1, Subcontract Between District and Kidango, Inc. -
Additional Provision of Child Cares Services - Fiscal Year 2011-2012**

Approval by the Board of Education of Amendment No. 1, Subcontract Between District and Kidango, Inc., Fremont, CA, a Private, Not-for-Profit Child Development Agency, for the latter to provide additional child care services, in the additional amount of \$601,381.00, increasing the not to exceed amount of Subcontract from \$1,250,000 to \$1,851,381.00, for the provisions of child care services for School Year 2011-2012. All other terms and conditions of the Subcontract remain in full force and effect.

**Funding Source: California Department of Education - Early Childhood
Education Program**

Attachments: [12-0868 - Amendment No. 1, Subcontract Between District and Kidango, Inc. - Additional Provision of Child Cares Services - Fiscal Year 2011-2012](#)

Director Gallo said this is the second year that we subcontracted funds that were applied by the District to serve Oakland children and we keep redirecting the resources. Last time, a comment was made that some of our children centers were not ready to accommodate children. It has been almost two years now and he asked why it would take that long to bring the children's centers up to code.

John Santoro, Director of Early Childhood Education, said we have a number of schools that are closed and they are in the process of being demolished or new construction, including the Yuk Yau Annex and Centro Annex. We have lost Stonehurst and Arroyo and are in a phase of being constructed. There is additional construction that will be happening in the future, including Hintil Kuu Ca Child Development Center and Laurel Child Development Center. From the sites that have closed, we have lost more than 400 students and 400 vacancies exist. Some of the classrooms from those schools have been moved into the elementary schools. There were 4-5 classrooms at Stonehurst and they were not able to move into the elementary school. We moved one into the elementary school. We have lost over 400 spaces for children.

Director Gallo asked why it would take two years to develop Stonehurst? Mr. Santoro said there were 5 – 6 classrooms at Stonehurst. The building is in the planning stages at DSA to be demolished and rebuilt, as is Arroyo.

Director Gallo asked about the projection in building the centers? Mr. Santoro said it is approximately two years. By subcontracting, we are asking the State to hold the money so that they do not take it away from us. We apply for the funds every year.

Adopted

Aye: 7 -

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

Absent: 2 -

Student Director Isabel Montoya, and Student Director Donovan Reid

Non-voting:

Enactment No: 12-1012

Finance and Human Resources Matter(s)



12-0848

AFLAC - Employee Flexible Benefits Plan Administrator - Effective July 1, 2012

Approval by the Board of Education of change from American Fidelity Assurance Company (AFA) to American Family Life Assurance Company of Columbus (AFLAC), as the District's Internal Revenue Code Section 125 Employee Flexible Fringe Benefits Plan Administrator and approval of Reimbursement Services Agreement between District and the latter, at no cost to the District, effective Plan Year commencing July 1, 2012 for a 12 month period, with automatic renewal of the Agreement for a successive period of 12 months, unless one of the Parties exercises Notice of Non-Renewal or Termination pursuant to Section VI or Section VII of the Agreement, respectively.

Attachments: [12-0848 -AFLAC - Reimbursement Services Agreement - EFBPA - Effective July, 2012](#)

Adopted

Aye: 7 -

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

Absent: 2 -

Student Director Isabel Montoya, and Student Director Donovan Reid

Non-voting:

Enactment No: 12-1013

K. Adjournment

President London adjourned the meeting at 11:55 p.m.

Prepared By: _____

Approved By: _____