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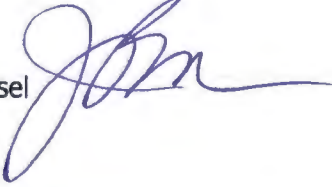


OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Jacqueline Minor, General Counsel 

Board Meeting Date September 11, 2013

Subject Approve and Authorize District Response to Civil Grand Jury Report issued on June 24, 2013: "Oakland Unified School District Challenges"

Action Requested Approve and Authorize District Response to Civil Grand Jury Report issued on June 24, 2013: "Oakland Unified School District Challenges"

Discussion
One paragraph summary of the scope of work.

Attached is the District's response to the Civil Grand Jury Report issued on June 24, 2013: "Oakland Unified School District Challenges." California Penal Code Section 933.05 directs how the District must respond to the Civil Grand Jury Report:

(a) **As to each grand jury finding**, the District shall indicate one of the following: 1) agrees with the finding or 2) disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) **As to each grand jury recommendation**, the District shall report one of the following actions: 1) the recommendation has been implemented, with a summary regarding the implemented action; 2) the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation; 3) the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be completed. This timeframe shall not exceed six months from the date of publication of the grand jury report. 4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

The District's response follows the requirements specified above.

Recommendation	Approve and Authorize District Response to Civil Grand Jury Report issued on June 24, 2013: "Oakland Unified School District Challenges"
Fiscal Impact	N/A
Attachments	<ul style="list-style-type: none">• District Response to Civil Grand Jury Report issued on June 24, 2013



David Kakishiba, President, Board of Education
Gary Yee, Ed.D., Superintendent

September 11, 2013

The Alameda County Civil Grand Jury
Ms. Elizabeth M. Rochlin, Foreperson
1401 Lakeside Drive
Oakland, California 94612

**Response of the Oakland Unified School District to Civil Grand Jury Report:
"Oakland Unified School District Challenges"**

Dear Foreperson Rochlin:

The Oakland Unified School District (the "District") submits its Responses to the Findings and Recommendations from the 2012-2013 Civil Grand Jury Report, "Oakland Unified School District Challenges."

The District commends the Jurors' high level of motivation to perform their work and their seriousness in studying and understanding many of the complex and critical issues facing the District. The Jurors were always professional in their interactions with District officials and employees and sensitive to fulfilling their obligations while considering the collective bargaining rights of the District's employees, including our teachers.

We believe this Civil Grand Jury exemplified the effectiveness of a panel of citizens to objectively consider how government operates and then provide thoughtful insight and recommendations to the District.

In the last year, the District has undergone many significant changes. Because of the importance of these changes to the District, in addition to the District responses to the findings and recommendations, we have included an Introduction which discusses the Current District Operations and State Trustee, the New Agreement with the Oakland Teachers Association, the District's Strategic Plan, the Local Control Funding Formula passed by the State Legislature in July 2013, the federal CORE -- No Child Left Behind Waiver, and the Superintendent Transition.

Respectfully submitted,

David Kakishiba, Board President

Gary Yee, Ed.D, Acting Superintendent

cc: Oakland Board of Education, with attachment

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By: [Signature]

Response of the Oakland Unified School District to Civil Grand Jury Report: "Oakland Unified School District Challenges"

Introduction

Current District Operations and State Trustee

During the 2013-14 school year, the District will operate 50 elementary schools, 14 middle schools, serving grades 6-8, 4 elementary/middle schools serving grades k – 8, 6 comprehensive senior high schools, serving grades 9 - 12, 2 middle/high schools serving grades 6 – 12, one alternative middle school, six alternative high schools, one continuation school serving grades 9-12, one alternative high school independent study program, one community day school, and one special education school. As of July 1, 2013, the beginning of the 2013-14 school year, 33 charter schools operated within the District. Excluding the students in the charter schools, approximately 36,000 students are served in grades Kindergarten through 12. As of the same date, the District employed approximately 4,359 employees, including certificated (credentialed teaching), classified (non-teaching) and management. The District's fiscal year 2013-14 general fund budget anticipates expenditures of approximately \$393.8 million.

From May 30, 2003 to June 29, 2009, all or a portion of the functional areas of the District's operations were governed by a State Administrator (the "State Administrator") appointed by the State Superintendent of Public Instruction (the "State Superintendent") pursuant to special state legislation ("S.B. 39") enacted in response to the District's request for emergency financial assistance from the State during the 2002-03 fiscal year. On June 30, 2009, the District Board of Education regained full control of all functional areas of District governance. Upon the return of control of District governance to the Board of Education, the State Superintendent appointed a trustee for the District (the "State Trustee"). The State Trustee serves at the pleasure of, and reports directly to, the State Superintendent, until (1) the Emergency Apportionment Loan is repaid, (2) the District has adequate fiscal systems and controls in place, and (3) the State Superintendent has determined that the District's future compliance with the Recovery Plan is probable. The State Trustee is empowered to stay or rescind any action of the Board of Education that, in the judgment of the State Trustee, may affect the financial condition of the District. Carlene Naylor currently serves as the State Trustee. Ms. Naylor worked as Associate Superintendent for the Alameda County Office of Education from 2004 - 2010.

New Agreement with the Oakland Teachers Association ("OEA")

In early June 2013, for the first time in ten years, the District and OEA reached an agreement without impasse, mediation or arbitration. While the new agreement is not a monumental shift in the terms and conditions of the teachers' contract, the mere fact that the District and OEA reached an agreement is a remarkable achievement and an opportunity for continued progress in meeting the needs of the children of Oakland and accomplishing the goals of the District's strategic plan. The essential terms of the OEA agreement are: 1) 2.35% one-time for all members, including substitutes; 2) 1.5%

ongoing increase for all members, including substitutes; 3) 0.5% ongoing increase for all members, including substitutes (contingent on \$7 million in additional ongoing unrestricted State funds usable for general salary increase); 4) Full Service Community Schools MOU which creates the frame to reach agreement on increased school site flexibility to meet needs of their community; and 5) establishment of Evaluation Pilot MOU , which provides an opportunity for schools to pilot an alternative teacher evaluation system (see further discussion below in the Response to Recommendation 13-18).

District Strategic Plan

In June of 2011, the Board of Education adopted a five year strategic plan with five major goals: (1) providing safe, healthy and supportive schools, (2) preparing students for success in college and careers, (3) delivering high quality and effective instruction, (4) becoming a full service community District, and (5) holding the District accountable for quality.

This five year strategic plan is embodied in District's "Community Schools, Thriving Students" vision, a plan to ensure that every student attends a safe, healthy and supportive school and receives high-quality instruction.

Local Control Funding Formula

After years of deep cuts to public education and deferred payments, California's passage of the Local Control Funding Formula ("LCFF") provides more stability and predictability of State funding to the District. LCFF replaces the existing revenue limit funding system and most categorical funding and distributes resources to school Districts through a base funding grant per unit of daily attendance ("ADA"), with additional supplemental funding to Districts, such as Oakland, with large populations of English language learners, students from low-income families and foster youth beginning in fiscal year 2013-14. LCFF will be implemented over eight years. Because of the District's high concentration of English language learners, students from low-income families and foster youth, the District anticipates an increase of approximately \$12 million dollars in State funding for 2013-14.

CORE-- No Child Left Behind Waiver

In 2011, ten California districts, including Oakland, formed the California Office to Reform Education ("CORE") seeking to improve student achievement by fostering a highly productive collaboration among member districts. Oakland, in collaboration with seven of these districts, has recently won federal approval for a waiver from No Child Left Behind, the law that ties federal funding to yearly improvements in standardized tests ("CORE Waiver"). . Instead of focusing solely on improvements in standardized tests, under the CORE waiver, Oakland will be evaluated on a range of criteria, including graduation rates, school attendance gains, decreasing disproportionality and inequities among racial and demographic groups, and students' social and emotional well-being, in addition to standardized test scores.

The CORE waiver was built around Common Core curriculum — a new kindergarten-through-12th-grade curriculum that is being implemented in California and many other states that focuses on critical thinking and problem solving, and places less emphasis on rote learning of facts.

The CORE waiver and implementation of the Common Core Curriculum will allow the District to fully implement its “Thriving Students” strategic plan, and not lose out on federal money solely if across-the-board test scores do not reach specific milestones.

Superintendent Transition

As you know, at the end of the 2012-13 school year, the District said farewell to Dr. Tony Smith, who ably led the District for four years. Dr. Smith articulated a clear vision for a Full Service Community School District and a plan for implementation that is embodied in the five year plan: *Community Schools, Thriving Students*. The Board of Education appointed Dr. Gary Yee as the Superintendent of Schools for the 2013-14 year. His official tenure began on July 1, 2013. Dr. Yee and the Board have expressed their commitment to continuing the implementation of the five-year strategic plan.

Superintendent Yee has spent his lifetime in service to the Oakland Public Schools – as a student, teacher, and principal, as a central office administrator, and for the last ten years as an elected school board member (including serving as the Board President).

During the last months of Dr. Smith’s tenure, Dr. Yee worked with the Superintendent and the District’s executive leadership team with the expressed goal of providing a smooth transition.

In addition, the Board of Education has established clear expectations for Dr. Yee through its Superintendent Work Plan for 2013-14. The work plan’s highlights include:

1. Improved student achievement and reduced disproportionality, especially in high schools and our priority schools
2. Implementation of a Quality Improvement Plan for Special Education
3. Improved system-wide operational expectations
4. Implementation of the Board policy on Asset Management
5. Implement improved Board-Superintendent communications protocols.

In achieving the goals of the Work Plan, Dr. Yee’s additional operational goals for 2013-14 school year include:

1. Full staffing of schools
2. Transition from temporary quarters for the Central Office administrative team to temporary, but more centrally-located offices at 1000 Broadway, Oakland
3. Adoption of an Asset Management Plan that includes recommendations on facilities utilization
4. Implementation of our School Quality Review process

5. Commitment to build upon excellent work with the District's employee unions that led to the 2012-13 collective bargaining agreements and pilot program agreements with teachers and principals.

Finding 13-16:

The Oakland Unified School District's lack of a labor contract with the Oakland Education Association has impeded efforts to improve its outdated and ineffective evaluation system.

District Response Finding 13-16:

The District disagrees with this finding. A labor contract between Oakland Unified School District and the Oakland Education Association (OEA) is in effect. A one- year agreement for 2012-13 was negotiated and settled in June of 2013. Contract negotiations are anticipated to reopen for succeeding years in October 2013.

The current evaluation system has been in place since the early 1990s. The District, in collaboration with the OEA, has been working for the past three years on the development of the elements needed for a new teacher evaluation system. The District's Effective Teaching Task Force was established as a collaborative group of teachers and administrators to improve the effectiveness of teaching, including development of a framework for effective teaching in Oakland. In June 2013, the District entered into a Memorandum of Understanding (MOU) with OEA to engage in up to four pilots of different evaluation models in 2013-14, one of which is based on the framework developed by the Task Force. In early August 2013, the District and OEA jointly announced the launch of three different evaluation pilots and invited interested District schools to apply to participate in one of the pilots in lieu of using the current evaluation system for the 2013-14 school year. (See also District Response to Recommendation 13-18 below.)

Finding 13-17:

The Oakland Unified School District's current teacher transfer policy, as defined by the current labor contract, has contributed to an imbalance in the District, with senior teachers choosing to move to more desirable schools. This leaves the administration with little control over assigning the most experienced teachers where student need is the greatest.

District Response Finding 13-17:

The District disagrees partially with this finding. The District's Board seeks greater flexibility and autonomy for school sites/communities to fill vacancies. As a District, we also believe that building professional capital in our teaching force will raise the quality of teaching. To that end, the District is pursuing strategies that maximize the development of collaborative school communities, where teachers feel an affinity to the school culture and theory of action, and where they are supported to improve their teaching. The District piloted the "Advisory Matching" process in 2011-12 in an effort to

provide teachers with the opportunity to visit schools with vacancies and engage with school communities so that they could make a more informed decision.

Finding 13-18:

OUSD does not have a centralized database with which to store and track its teacher evaluations and other personnel information. This results in the inability of the District to track teacher performance, aid in teacher development, and manage teacher assignments and resources at the District level.

District Response Finding 13-18:

The District agrees with this finding. In June 2013, the Board of Education allocated \$300,000 to begin the work needed to establish a comprehensive Human Capital Data Management system that effectively tracks and correlates performance evaluations to various professional growth inputs, including induction, coaching, professional learning communities, National Board Certification, and in-service training. The establishment and utilization of a comprehensive Human Capital Data Management system is a top priority of the Board of Education and Superintendent.

Recommendation 13-16:

The Oakland Unified School District must immediately work to resolve the expired labor contract issues.

District Response Recommendation 13-16:

The recommendation has been implemented. In early June 2013, for the first time in ten years, the District and OEA reached an agreement without impasse, mediation or arbitration. See further discussion at page 2 of the District's Response.

Recommendation 13-17:

Oakland Unified School District must work collaboratively with the Oakland Education Association on a system for teacher assignments that is not based solely on seniority.

District Response Recommendation 13-17:

This recommendation is in the process of being implemented. In the June 2013 contract agreement reached with the OEA, there is an associated MOU to work collaboratively on a system of teacher staffing "with the goal of creating and maintaining school community cultures that integrate and acknowledge the unique staffing needs of the school as defined by the school site plan and allowing schools to equitably serve all Oakland students." The collaboration commences in the Fall 2013.

Recommendation 13-18:

The Oakland Unified School District must redesign and streamline its evaluation process in conjunction with the Oakland Education Association.

District Response Recommendation 13-18:

This recommendation is in the process of being implemented. During the last round of negotiations, the Bargaining Teams for OEA and the District individually reviewed different evaluation models from around the country. Both teams recognized that to negotiate an evaluation system that is reliable, informative, and implemented correctly would take time and some trial and error. To inform future negotiations, a MOU was entered into by the District and OEA. This MOU agreed to the formation of a Joint Study Committee to document and discuss findings arising from the Performance Evaluation Pilots described in the MOU.

There are three pilots that will be studied by the Joint Committee during the 2013-2014 school year:

- 1. The Effective Teaching Task Force Pilot – Teacher Growth and Development System (TGDS):** A model based on the framework developed within the District through meetings of teachers, administrators, and parents over the past three years. The Task Force based its design on using rubrics to assess teaching effectiveness in four Domains.
- 2. The Teaching Excellence Network (TEN) --** A model developed by the Institute for Sustainable, Economic, Educational, & Environmental Design (I-SEED), among whose founders is Jeff Duncan-Andrade, a teacher at Fremont High. Using descriptors within three domains, all stakeholders (teacher, administrator, students, and parents) use surveys to identify areas of focus and growth for each individual teacher as well as the school.
- 3. The Teaching Effectiveness Pilot (TEP) --** The product of collaboration of teachers and administrators at Elmhurst Community Prep and United for Success Academy. Schools using this model are those previously selected to receive School Improvement Grants.

As a control group, the Joint Study Committee will also review the current evaluation process as it is carried out in several schools.

Although only a limited number of schools will be selected to participate in these pilots due to funding limitations, all K-12 schools in the District have the opportunity to apply to be a pilot site for either TGDS, or TEN (since TEP sites are pre-selected SIG recipients). The simple application process, detailed in the MOU, requires a statement of interest signed by the Principal and elected Faculty representative, a defined process to discuss the pilots, and a vote carried out by the OEA Representative which results in two-thirds of the faculty approving the pilot.

Both Bargaining Teams will be looking closely at the findings and recommendations of the Joint Study Committee as they negotiate an evaluation system informed by Oakland practice and constructed to work for Oakland teachers.

Recommendation 13-19:

The Oakland Unified School District must conduct regular performance evaluations for every teacher with emphasis on offering support for teachers to become more successful.

District Response Recommendation 13-19:

This recommendation is in the process of being implemented. The Human Resources Department has undertaken significant restructuring in order to prioritize support for school sites in the evaluation process. A new position, Director of Strategic School Support, and two other new positions called School Partner(s), are designed specifically to support and build capacity of school site principals to conduct thorough and timely performance evaluations for all teachers. The District has also prioritized resources to improve tracking systems to better identify those teachers who are scheduled for evaluation.

Recommendation 13-20:

The Oakland Unified School District must provide principals with the resources and time to complete teacher evaluations, and hold principals accountable for completing these tasks.

District Response Recommendation 13-20:

This recommendation is in the process of being implemented. Completion of teacher evaluations has been clearly articulated to all principals as a key priority for the 2013-14 school year. An extensive training was conducted in June 2013 which provided principals with the opportunity to engage with skilled practitioners on how to conduct effective and contract compliant evaluations. Follow-up training, structures and supports were made available to principals at the Annual Back to School All Administrators' Institute in August 2013. The Board President and Acting Superintendent have made it absolutely explicit that the completion of teacher evaluations is a key priority for principals and that they will be held accountable for doing so in their own performance evaluations.

Recommendation 13-21:

The Oakland Unified School District must invest in a human capital database to track teacher status and evaluations, making the information readily accessible to administrators.

District Response Recommendation 13-21:

This recommendation is in the process of being implemented. In June 2013, the Board of Education authorized \$300,000 to support the development of a Human Capital Data Management System ("HCDMS"). A critical component of the HCDMS will be the tracking of teacher status and evaluation outcomes.

Recommendation 13-22:

The Oakland Unified School District must work to bring the teacher-student ratio in line with county-wide teacher-student ratio, which would allow more money for teacher support, salaries and training.

District Response Recommendation 13-22:

This recommendation requires further analysis, research and stakeholder engagement. While the county-wide average teacher-student ratio may be a useful guide, the District must weigh multiple considerations as it relates to teacher-student ratios and other investments to improve student outcomes. Low-class size is a teaching and learning condition that has been highly valued by rank-and-file Oakland teachers, parents, and voters. Every OUSD parcel tax measure since 1996 has featured class size reduction as a major use of local tax dollars. Furthermore, the State Legislature and Governor have made low-class sizes a state funding priority through the K-3 Class Size Reduction program and the Quality Education Investment Act. However, the District will be conducting a cost-benefit analysis of its historic teacher-student ratios and its "results-based budgeting" system to gather more data on their impact on teaching effectiveness and student performance.