

# Oakland Unified School District

Board of Education  
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## AMERICANS WITH DISABILITIES ACT COMPLIANCE

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

## Minutes (Long)

**Wednesday, April 13, 2005**

**4:00 PM**

**Board Room, 1025 2nd Avenue, Oakland, CA 94606**

## State Administrator and/or Board of Education

*Randolph E. Ward, Ed.D.*

*State Administrator*

*and/or*

*President Gary Yee and Vice President David Kakishiba*

*Directors: Kerry Hamill, Gregory Hodge, Noel Gallo, Dan Siegel, Alice Spearman*

*Student Directors: Anne Chiang and Brytteni Floyd-Mayo*

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

**A. Call To Order**

*Secretary Edgar Rakestraw, Jr., at the request of State Administrator Randolph Ward, called the meeting to order at 4:12 P.M.*

**B. Roll Call**

**Roll Call:** Present: Alice Spearman, and Randolph Ward

Absent: Kerry Hamill, Gregory Hodge, Dan Siegel, Anne Chiang, Noel Gallo, Brytteni Floyd-Mayo, David Kakishiba, and Gary Yee

**C. President's or State Administrator's Statement Disclosing Item(s) To Be Discussed In Closed Session Today**

*Secretary Rakestraw stated that items to be considered in Closed Session today are as printed on the published Agenda.*

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

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

District Representatives: Troy Christmas and Roy Combs, Esq.

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

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

**05-0423 Conference with Legal Counsel - Existing Litigation**

Sandra I. Wandschneider v. City of Oakland, et al., Alameda Superior Court, Case No. 2002-056997

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

*President Gary Yee present at 4:30 P.M.*

**Roll Call:** Present: Alice Spearman, Gary Yee, and Randolph Ward

Excused: Anne Chiang, and Brytteni Floyd-Mayo

Absent: Kerry Hamill, Gregory Hodge, Dan Siegel, Noel Gallo, and David Kakishiba

**Pupil Matter(s)**

**04-0232 Readmission Hearing - Student ZZ**

**05-0417 Expulsion Appeal Hearing - Student SS**

**05-0418 Expulsion Appeal Hearing - Student TT**

**05-0419 Expulsion Appeal Hearing - Student UU**

**05-0420 Expulsion Appeal Hearing - Student VV**

**05-0421 Expulsion Appeal Hearing - Student WW**

**E. Recess To Closed Session**

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

**F. Reconvene To Public Session**

*President Gary Yee reconvened the meeting to Public Session at 4:58 P.M.*

## G. Second Roll Call

**Roll Call:** Present: Alice Spearman, Gary Yee, and Randolph Ward

Absent: Kerry Hamill, Gregory Hodge, Dan Siegel, Anne Chiang, Noel Gallo, Brytteni Floyd-Mayo, and David Kakishiba

## H. President's or State Administrator's Statement of Reportable Action Taken In Closed Session and the Vote of Members or State Administrator, If Any

*State Administrator Ward, in response to a query from President Yee, stated that there were no reportable actions from Closed Session.*

## I. Report of Student Board Members

### 05-0427 Student Directors' Report

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

*Neither Student Director, this being the week of Spring Break, were present at the meeting.*

**Tabled to a Date Certain**

## J. State Administrator's Report



### 05-0426 District's FCMAT Recovery Plan: Human Resources

Presentation of the District's FCMAT Recovery Plan: Human Resources.

**Attachments:** [05-0426 - Human Resources Department FCMAT Redesign.ppt](#)  
[05-0426\\_Human\\_Resources\\_Department\\_FCMAT\\_Redesign.pdf](#)

*Troy Christmas, Director, Human Resources, used a PowerPoint Presentation to highlight redesign of the Human Resources Division (HR) and its efforts to meet FCMAT power standards. He said progress has been made, but significant changes still need to be made in order to comply with FCMAT standards and to redesign HR to be more effective. He reviewed some of the FCMAT recommendations from last September, including unsatisfactory communication between the business units within HR affecting performance; continued need for documentation and distribution of policies and procedures; HR and Payroll are not fully integrated which creates mistakes and inaccurate payments; and considerable need for the training of employees and district staff. Mr. Christmas said there were diagnostics completed last year on HR which were consistent with the FCMAT report relating to frustration with the performance of the HR division, inefficient and unclear processes; lack of accountability for tasks; and poor integration with financial services. They are moving towards a client focused organizational structure with three site teams responsible for all the needs of individual sites with a single point of contact for an entire*

network of schools. Mr. Christmas mentioned RBB training was completed with Fiscal and HR analysts meeting with site principals. In the near future, an Intranet will be introduced for all of OUSD to help employees understand policies and procedures. There have been many training sessions held for HR since last September. In terms of redesign, there have been several new job descriptions created for the transition from a function-based organization to a client-based organization. President Yee asked if the diagnostics performed included an analysis of the previous site team concept, its strengths and weaknesses and why it subsequently morphed into something else. Mr. Christmas said there was not a detailed analysis back and forth. It was a partial diagnostic of what we do here at OUSD and it included looking at best practices across school districts and in the private sector. We are looking at performance evaluations at all levels of the District.

Jim Mordecai asked what Mr. Beaman did since he was hired from the Compton School District.

**Discussed and Closed**

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

*Vice President David Kakishiba present at 5:06 P.M.*

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

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

*Director Dan Siegel present at 5:12 P.M.*

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

## **K. Public Hearing(s)**

*None*

## **L. Special Recognitions and Presentations**

*None*

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

*Mario Bohanon, student, Far West, spoke on changes in the schools and charter schools.*

*Oscar Wright spoke on lack of achievement by students in the District.*

*Mark Airgood, teacher, said the leadership bodies of AFT and OEA have taken positions to reject the OEA Tentative Agreement.*

*Ron Cruz reported more than 85 percent of the entire school community boycotted Allendale school last Friday in protest of involuntary transfer of teachers.*

*Tania Kappner, teacher, Oakland Tech, stated they are against the state takeover and it must be ended. She said the teachers are going to vote down the proposed Tentative Agreement which would slash counselors away from our students.*

*Jocelyn Eastman, student, Oakland Tech, spoke against the state takeover because she has felt the effects of it.*

*Maria Rojas, parent, Allendale Elementary School, listed concerns regarding teacher transfers, lack of administrative support at the school and their children's education. They will continue to boycott the school as needed. She said the teachers that have been transferred are African-American.*

*Ed Allen, teacher, Emerson Elementary School, said students feel left out.*

*In addition, three new Charter Proposals, as listed in the Legislative Files below, were presented.*



[05-0452](#)

**Oakland School for the Arts - Charter School Petition - Grades 6-8 Proposed Amendment**

Presentation of the Oakland School of the Arts Charter School - Proposed Charter Amendment adding Grades 6th, 7th, 8th.

**Attachments:** [WEBxtender](#)  
[05-0452-Oakland School for the Arts - Charter School Petition - Grades 6-8 Proposed Amendment.pdf](#)

*Larena Burno presented the Oakland School for the Arts proposed 6-8 grades Charter Amendment.*



[05-0453](#)

**Cox Elementary Charter School - Petition and Proposed Charter**

Presentation of Cox Elementary Charter School - Petition and Proposed Charter.

**Attachments:** [WEBxtender](#)  
[05-0453 - Cox Elementary Charter School - Petition and Proposed Charter.pdf](#)

*Kevin Wooldridge, CEO Designate, Education for Change, presented the Petition and Charter Proposal.*



[05-0454](#)

**Hawthorne Elementary Charter School - Petition and Proposed Charter**

Presentation of Hawthorne Elementary Charter School - Petition and Proposed Charter.

**Attachments:** [WEBxtender](#)  
[05-0454 - Hawthorne Elementary Charter School - Petition and Proposed Charter.pdf](#)

*Kevin Wooldridge, CEO Designate, Education for Change, presented the Petition and Charter Proposal.*

## N. Adoption of General Consent Report

### Student Achievement



[05-0337](#)

#### **Professional Services Agreement - Summit Speech Pathology Services - Programs for Exceptional Children**

Approval by State Administrator, on behalf of the District, of Professional Services Agreement with Summit Speech Pathology Services, Inc., for the latter to provide speech and language services to school aged pupils between 5 and 22 in Programs for Exceptional Children, including but not limited to identification, assessment development and remediation of pupil's identified with speech and language difficulties, for the period January 3, 2005 through June 30, 2005, in an amount not to exceed \$61,000.00.

**Funding Source: Local Assistance Entitlement**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



[05-0363](#)

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

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

**Funding Source: Title I**

**Attachments:** [WEBxtender](#)

*State Administrator Ward agreed, at the request of Director Alice Spearman, to table this matter until next meeting, in order to respond to her query as to whether or not the funding source - Title I - for this item is correct or should be a different funding source.*

**Tabled to a Date Certain**



[05-0365](#)

#### **Amendment No. 1- Professional Services Agreement - Springback Learning Center - Title I - After School Tutoring**

Approval by State Administrator, on behalf of the District, of Amendment No.1 to Professional Services Agreement with Springback Learning Center,forthe latter to provide Title I Supplemental Educational Service for one additionally identified 3rd-9th grader, in an additional amount not to exceed \$1,624.59, increasing the current contract from a not to exceed amount of \$8,122.95 to a not to exceed amount of \$9,747.54 for the period of January 2005 through June 2005.

**Funding Source: Title I**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0366**

**Amendment No. 1 - Professional Services Agreement - The Princeton Review - Title I - After School Tutoring**

Approval by State Administrator on behalf of the District of Amendment No. 1 of Professional Services Agreement with The Princeton Review, for the latter to provide Title I Supplemental Educational Services (After School Tutoring) for an additionally identified 100 3rd-8th graders, in an additional amount of \$152,524.60, increasing the current contract from a not to exceed amount of \$97,475.40 to a not to exceed amount of \$250,000.00 for the period of January 2005 through June 2005.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0367**

**Amendment No. 1 - Professional Services Agreement - Spectra Services - Title I - After School Tutoring**

Approval by State Administrator, on behalf of the District, of Amendment No. 1 to Professional Services Agreement with Spectra Services, for the latter to provide Title I Supplemental Educational Services (After School Tutoring) for 30 additionally identified K-8th graders, in an additional amount of \$48,737.70, increasing the current contract from a not to exceed amount of \$64,983.60 to a not to exceed amount of \$113,721.30 for the period of January 2005 through June 2005.

**Funding Source: Title I**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0406**

**Professional Services Agreement - Speech Pathology Group, Inc. - Programs for Exceptional Children**

Approval by State Administrator on behalf of the District of a Professional Services Agreement with Speech Pathology Group, for the latter to provide speech therapy services and related services to identified elementary school aged pupils in Programs for Exceptional Children, for the period January 10, 2005 through June 17, 2005 in an amount not to exceed \$211,200.00.

**Funding Source: Local Assistance Entitlement**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0408 Open Court/Foro Abierto Reading Program, 2002 Version**

Adoption by State Administrator on behalf of the District of the Open Court/Foro Abierto Reading Program, 2002 version for grades K-5.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

## Human Resources



**05-0405 Personnel Report No. 0005-0013**

Approval of Personnel Report No. 0005-0012.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0413 Resolution No. 0405-0108 - Creation of Certain Certificated and Classified Positions**

Approval by State Administrator of Resolution No. 0405-0108 creating Certificated and Classified positions, as specified, in the District as follows:

Create:

Position Title/FTE	Salary Schedule/Range
Manager of Curriculum (FTE 1.0)	Certificated Management Salary Schedule A227, Range 18 \$78,354 - \$100,023 227 days, 7.5 hrs.
School Improvement Coach (FTE 15.0)	SEIU, Local 790 White Collar Salary Schedule WTCL, Range 53 \$53,198 - \$71,220 261 days, 7.5 hrs.

and the State Administrator is further authorized to fill these positions pursuant to applicable District employment procedures and requirements.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

## Fiscal



[05-0409](#)

**Resolution 0405-0110 - Change of Bank Account Signatories - District's Revolving Fund Account**

Approval by the State Administrator, on behalf of the District, of Resolution 0405-0110 authorizing change of bank account signatories for the District's Revolving Fund Account.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



[05-0410](#)

**Resolution 0405-0111 - Change of Bank Account Signatories - District's Payroll Direct Deposit Account**

Approval by the State Administrator, on behalf of the District, of Resolution 0405-0111 authorizing change of bank account signatories for the District's Payroll Direct Deposit Account.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



[05-0411](#)

**Resolution 0405-0112 - Change of Bank Account Signatories - District's Payroll Tax and Deposit Account**

Approval by the State Administrator, on behalf of the District, of Resolution 0405-0112 authorizing change of bank account signatories for the District's Payroll Tax and Deposit Account.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



[05-0412](#)

**Resolution 0405-0113 - Change of Bank Account Signatories - District's Verified Funds - Alameda County Superintendent of Schools**

Approval by the State Administrator, on behalf of the District, of Resolution 0405-0113 authorizing change of bank account signatories for the District's Verified Funds Deposited With or In the Custody or Care of Alameda County Superintendent of Schools.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



[05-0416](#)

**Resolution 0405-0114 - Declaring As Surplus and Obsolete a List of Music Instruments**

Adoption by State Administrator of Resolution No. 0405-0114 - Declaring as surplus and obsolete a list of music instruments located in the Procurement and Distribution Center, 900 High Street, Oakland, California, and authorizing and directing the Operations Officer to sell said music instruments pursuant to Education Code Sections 1754 and 17546, respectively.

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

## Facilities



**[05-0385](#)**

### **Professional Services Agreement - Baseline Engineering - Skyline High School Paving Project**

Ratification by State Administrator, on behalf of the District, of Professional Services Agreement with Baseline Engineering, Alameda, CA, for the latter to provide civil engineering needed for the repaving of the main drive, front parking area, basketball and tennis courts in conjunction with the Skyline High School Paving Project for the period commencing February 18, 2005 and concluding upon completion of the desired services described therein, but not later than September 18, 2005 in an amount not to exceed \$57,300.00.

**Funding Source: Deferred Maintenance**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[05-0386](#)**

### **Professional Services Agreement - Baseline Engineering - Maxwell Park Elementary Retaining Wall Project**

Ratification by State Administrator, on behalf of the District, of Professional Services Agreement with Baseline Engineering, Alameda, CA, for the latter to provide design and engineering services to replace a failed section of the retaining wall in conjunction with the Maxwell Park Elementary Retaining Wall Project for the period commencing January 14, 2005 and concluding upon completion of the desired services described therein, but not later than March 30, 2005 in an amount not to exceed \$12,900.00.

**Funding Source: Deferred Maintenance**

**Attachments:**    [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**[05-0387](#)**

### **Professional Services Agreement - Gelfand RNP - Cox Elementary School Additional Classroom Project**

Ratification by State Administrator, on behalf of the District, of Professional Services Agreement with Gelfand RNP, San Francisco, CA, for the latter to provide architectural services including scoping, design, agency approval, construction administration and closeout tasks in conjunction with the Cox Elementary School Additional Classroom Project for the period commencing February 21, 2005 and concluding upon completion of the desired services described therein, but no later than September 1, 2007 in an amount not to exceed \$615,000.00.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0388**

**Change Order No. 5 - Global Modular - School of Social Justice Portable Project**

Ratification by State Administrator, on behalf of the District, of Change Order No. 5 with Global Modular, Chowchilla, CA, for the latter to provide ramping system to accommodate path of travel for handicap access in conjunction with the School of Social Justice Portable Project in an amount not to exceed \$40,958.00, increasing the Agreement from \$796,243.24 to \$837,201.24. All other terms and conditions of Agreement remain in full force and effect.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0389**

**Emergency Resolution 0405-0067 - Montera Middle School - Fire and Related Damage**

Approval by State Administrator, on behalf of the District, of Resolution 0405-0067 declaring the condition of the fire damage at Montera Middle School to constitute an emergency, establishing and authorizing a budget in the amount of \$250,000.00 for the emergency abatement of damaged materials, cleansing of the air and repair work at the school site, authorizing contracts as specified herein, subject to the approval of the Alameda County Superintendent of Schools.

**Funding Source: Self Insurance**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0390**

**Amendment No. 1 - Professional Services Agreement - Spectrum Solutions - Division of Facilities, Planning and Management Project Tracking Software Project**

Ratification by State Administrator, on behalf of the District, of Amendment No. 1 to Professional Services Agreement with Spectrum Solutions, Tarzana, CA, for the latter to track and report additional projects using the FAST software and to compensate for additional time incurred to track and report projects from the original contract in conjunction with the Division of Facilities, Planning and Management Project Tracking Software Project in an amount not to exceed \$10,000.00, increasing the Agreement from \$6,950.00 to a not-to-exceed amount of \$16,950.00. All other terms and conditions of the Agreement remain in full force and effect.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0399**

**Small Construction Contract - Burriss Window Shades - School of Social Justice Portables Project**

Ratification by State Administrator, on behalf of the District, of Small Construction Contract with Burriss Window Shades, Oakland, CA, for the latter to supply and install thirty-two alabaster colored Levelor two inch blinds in eight classrooms in conjunction with the School of Social Justice Portables Project for the period commencing January 24, 2005 and terminating on March 25, 2005, in an amount not to exceed \$3,405.00.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0400**

**Amendment No. 2 - Professional Services Agreement - Game Time - Tilden Pre-School Site Reutilization Project**

Ratification by State Administrator, on behalf of the District, of Amendment No. 2 to Professional Services Agreement with Game Time, Novato, CA, for the latter to supply and install a play structure and replace the existing bars in the kindergarten play area with a new slide structure and rubber-safe padding in conjunction with the Tilden Pre-School Site Reutilization Project in an amount not to exceed \$22,644.95, increasing the Agreement from \$37,720.97 to a not-to-exceed amount of \$60,365.92. All other terms of the Agreement remain in full force and effect.

**Funding Source: Site Reutilization**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0401**

**Amendment No. 1 - Professional Services Agreement - Game Time - Tilden Pre-School Site Reutilization Project**

Ratification by State Administrator, on behalf of the District, of Amendment No. 1 to Professional Services Agreement with Game Time, Novato, CA, for the latter to supply and install on telescope enclosure, one 36" roof structure, one tic-tac-toe panel, one math panel including freight, taxes and costs of providing bonds in conjunction with the Tilden Pre-School Site Reutilization Project in an amount not to exceed \$5,367.55, increasing the Agreement from \$32,353.42 to a not-to-exceed amount of \$37,720.97. All other terms of the Agreement remain in full force and effect.

**Funding Source: Site Reutilization**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0402**

**Professional Services Agreement - Loving & Campos Architects Inc. -  
Elmhurst Middle Additional Restroom Project**

Ratification by State Administrator, on behalf of the District, of Professional Services Agreement with Loving & Campos Architects Inc., Walnut Creek, CA, for the latter to provide architectural, plumbing, minor civil engineering, building manufacturing coordination, DSA processing, limited construction administration and job closeout services, in conjunction with the Elmhurst Middle Additional Restroom Project for the period commencing March 1, 2005 and conclude upon completion of the desired services described therein, but no later than May 31, 2005, in an amount not to exceed \$19,500.00.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0403**

**Professional Services Agreement - Placemakers - Oakland Technical High  
School Modernization Project**

Ratification by State Administrator, on behalf of the District, of Professional Services Agreement with Placemakers, Emeryville, CA, for the latter to provide all services required to comply with the California Environmental Quality Act (CEQA) including, conducting a site visit, attend issues meeting, prepare architectural assessment, prepare a draft initial study, prepare mitigated negative declaration, prepare CEQA-Required notices, prepare mitigation monitoring and reporting program, attend public hearing and prepare a notice of determination in conjunction with the Oakland Technical High School Modernization Project for the period commencing March 9, 2005 and concluding no later than June 1, 2005 in an amount not to exceed \$12,195.00.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



**05-0404**

**Professional Services Agreement - Testing Engineers, Inc - Castlemont High  
School Shop Modernization Project**

Ratification by State Administrator, on behalf of the District, of Professional Services Agreement with Testing Engineers, Inc, San Leandro, CA, for the latter to provide construction inspection and testing of reinforcing steel, concrete cast in place, structural steel, grout under base plates, fireproofing, and provide engineering services and a final report in conjunction with the Castlemont High School Shop Modernization Project for the period commencing March 1, 2005 and conclude no later than February 28, 2006 in an amount not to exceed \$38,184.00.

**Funding Source: General Obligation Bond**

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

## State Administrator and/or Board of Education



### **05-0333 Decision - Oakland School for the Arts - Grades 9-12 Proposed Amendment**

Approval by State Administrator of request by officials of Oakland School of the Arts to withdraw, vacate or cancel the Proposed Charter Amendment adding Grade 9-12, submitted on March 9, 2004, without prejudice to submission of a new petition and charter in the future.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**



### **05-0425 Minutes, State Administrator and/or Board of Education**

Ratification of State Administrator and/or Board of Education Minutes prepared by Secretary and staff shortly thereafter for the following meeting:

Regular Meeting, March 30, 2005.

**Attachments:** [WEBxtender](#)

**This Matter was Adopted on the Consent Agenda.**

## Adopted the General Consent Report

**A motion was made by Randolph E. Ward, seconded by Randolph E. Ward, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 1 - Randolph E. Ward  
Nay: 0

Recused: 0  
Absent: 5 - Kerry Hamill, Gregory Hodge, Anne Chiang, Noel Gallo and Brytteni  
Floyd-Mayo  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

## **O. Unfinished Business**

*None*

## **P. New Business**

*None*

## **Q. Adoption of the Pupil Discipline Consent Report**

**04-0232 Readmission Hearing - Student ZZ**

**05-0417 Expulsion Appeal Hearing - Student SS**

**05-0418 Expulsion Appeal Hearing - Student TT**

**05-0419 Expulsion Appeal Hearing - Student UU**

**05-0420 Expulsion Appeal Hearing - Student VV**

**05-0421 Expulsion Appeal Hearing - Student WW**

### **Adopted the Pupil Discipline Consent Report**

**A motion was made by Randolph E. Ward, seconded by Randolph E. Ward, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0

Aye: 1 - Randolph E. Ward  
Nay: 0  
Recused: 0  
Absent: 5 - Kerry Hamill, Gregory Hodge, Anne Chiang, Noel Gallo and Brytteni  
Floyd-Mayo  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0

## R. Board Discussion

*President Yee asked Dr. Ward to comment on the Tentative Agreement reached between OEA and District negotiators and the fiscal recovery plan. Dr. Ward said the Tentative Agreement language was completed as of last Saturday. We are confident that once teachers examine the language, they will be satisfied that issues have been addressed to the best of the ability of both teams that represented OEA and the District. We have addressed the issues of counseling, benefits, teacher prep, etc. A vote by OEA membership is scheduled sometime this month which will be very important as to its ramifications for the rescission of any lay-off notices and some other items pertinent to the actual agreement. Dr. Ward said we are getting close to finalizing the Fiscal Recovery Plan document and he is looking forward to making the document available very soon. It is based on projections of losing 4,000 students in the next two years and a \$20,000,000 drop in revenue, not including the categorical funds. The District cannot continue to pay for increases in costs of health benefits because the revenue is getting smaller. The other piece is getting a reserve and a positive non-deficit spending budget. We are still at a deficit from the 2nd Interim Report at approximately \$6.7 million and expect a loss of 2,000 students next year. We have difficult decisions to make and they are outlined in the Fiscal Recovery Plan. There are a number of recommendations how to use the resources available to us. There are approximately 6,000-10,000 new housing units that will be available in the next few years and we will be receiving revenues from developer fees.*

*Director Siegel said health care is a human right. When public/private institutions tell their employees they have to pay for health care or prescriptions, it diminishes the health of the community. He said health care is expensive but it represents 15 percent of compensation in public and private institutions. The rewards of spending 15 percent is keeping people healthier, they live longer, and have a better quality of life. In Oakland, when we are talking about 7,000 school employees, it is important for the employees, their families, and their community, that our employees are healthy. When we start cutting back on health care and make employees pay higher deductibles to pay for their doctor visits and prescriptions, people don't buy the prescriptions; or they take their prescription every other day; or they cut the pills in half; and the result of that is that they are not as healthy and they wind up going to the emergency room. It's a lousy deal and he does not believe in cutting health care costs. It's one of those things that is penny-wise and pound foolish and it diminishes our community. As a Board we need to make a strong statement to the Governor and unite the community with other school communities and organize state-wide demonstrations for a one-day strike or boycott to let people know this is not just about selfish adult agendas; it's about the welfare of our kids. President Yee said he heard the PTA is having a massive March on Sacramento.*

*Director Spearman said staff presented an update on the Facilities Master Plan at the recent Facilities Advisory Committee meeting. There was discussion of Civic Center usage fees, composition of the committee and functions of the committee according to the voter-approved bond.*

*President Yee said he put together a proposed resolution at the last board meeting to develop a message to the State Superintendent of Public Instruction reminding him about SB39 rules regarding return to local control in the District after the items in SB39 were accomplished--successful adoption of a multiple fiscal year recovery plan and substantial progress regarding FCMAT power standards--outlined in the FCMAT report of September 2004. In a conversation with Dr. Ward regarding the resolution, Dr. Ward felt the resolution was not necessary or the most appropriate way for the Board to go. For discussion tonight is changing the resolution to a strong letter with the same content to be signed by all members of the school board and presented to Mr. O'Connell at a date when the fiscal recovery plan is completed.*

*Director Siegel recommended the Board go forward with the resolution. It has a greater ring of authenticity if it is a resolution of the Board. He suggested the resolution be placed on the agenda for the next meeting and then to the City Council for their approval; then to the local members of the Legislature.*

*Director Spearman recommended the Board Members decide among themselves if this is what we want and it needs to be in a public discussion. The Board has to have a stand and we have to take care of our own.*

*Vice President Kakishiba recommended the item be placed on the agenda so that the Brown Act is not violated. It is important for the public to understand Board discussion and any consensus reached. He asked that the resolution be agendaized for the next Board meeting. If Dr. Ward feels it is inappropriate to do so under that setting, then he would request that we convene our own meeting.*

*President Yee announced the next Regular State Administrator/Board Meeting will be at Skyline High School.*

*Director Spearman asked the State Administrator/Board Meeting be adjourned in memory of Muriel Collier and Fred Toyosaburo Korematsu. Ms. Collier is the mother of Cherie Ivey, Principal of Fruitvale School. She was one of the first Black women in the community hired by the County of Alameda as a social worker. Mr. Korematsu, a Castlemont High School graduate, was awarded the Medal of Freedom by President Clinton because he would not be silent about internment of Japanese-Americans during World War II.*

## **S. Adjournment**

*President Gary Yee adjourned the meeting, in memory of Muriel Collier and Fred Toyosaburo Korematsu, at 6:37 P.M.*

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

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