

Oakland Unified School District

Board of Education
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DRAFT

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Minutes (Long)

Tuesday, July 08, 2008

4:00 PM

Special Meeting

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

State Administrator and/or Board of Education

Vincent C. Matthews
State Administrator/Trustee
and/or

President David Kakishiba and Vice President Alice Spearman
Directors: Kerry Hamill, Gregory Hodge, Gary Yee, Noel Gallo, Christopher Dobbins
Student Directors: Shannon Chase and Cecilia Lopez
Staff: Roberta Mayor, Ed.D., Interim Superintendent of Schools
Deborah Cooksey, Interim General Counsel
Edgar Rakestraw, Jr., Secretary, Board of Education

A. Call to Order

State Administrator Vincent Matthews called the meeting to order at 4:00 P.M.

B. Roll Call

Roll Call: Present: Noel Gallo, Christopher Dobbins and Vincent Matthews

Absent: Kerry Hamill, Gregory Hodge, Gary Yee, Alice Spearman, David Kakishiba, Shannon Chase and Cecilia Lopez

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

State Administrator Matthews stated that the meeting will recess to Closed Session for consideration of Pupil Discipline Matters; that the Public Session is expected to resume at 4:10 p.m. but not later than 4:15 p.m.

D. Recess To Closed Session

State Administrator Matthews recessed the meeting to Closed Session at 4:01 P.M.

E. Closed Session**Pupil Matter(s)****Admission**

08-1601 Admission Hearing - Student DD

Expulsion

08-1602 Expulsion Appeal Hearing - Student EE

Readmission

06-0279 **Readmission Hearing - Student L**

07-1410 **Readmission Hearing - Student J**

F. Reconvene To Public Session

State Administrator Matthews reconvened the meeting to Public Session at 4:22 P.M.

G. Second Roll Call

Roll Call: Present: Christopher Dobbins and Vincent Matthews

Absent: Kerry Hamill, Gregory Hodge, Gary Yee, Noel Gallo, Alice Spearman, David Kakishiba, Shannon Chase and Cecilia Lopez

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

State Administrator Matthews said there are no reportable actions from Closed Session.

I. Adoption of Pupil Discipline Consent Report

Admission

08-1601 **Admission Hearing - Student DD**

Expulsion

08-1602 **Expulsion Appeal Hearing - Student EE**

Readmission

06-0279 **Readmission Hearing - Student L**

07-1410 Readmission Hearing - Student J**Passed The Consent Agenda**

A motion was made by Vincent Matthews, seconded by Vincent Matthews, 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 - Vincent Matthews
Nay: 0
Recused: 0
Absent: 6 - Kerry Hamill, Gregory Hodge, Gary Yee, Noel Gallo, Alice Spearman, David Kakishiba, Shannon.Chase and Cecilia. Lopez
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

Roll Call (Secretary's Observation)

Director Noel Gallo present at 4:25 P.M.

Roll Call: Present: Noel Gallo, Christopher Dobbins and Vincent Matthews
Absent: Kerry Hamill, Gregory Hodge, Gary Yee, Alice Spearman, David Kakishiba, Shannon Chase and Cecilia Lopez

J. Unfinished Business - State Administrator**Pupil Achievement - FCMAT III****[08-1276](#) Decision: Aspire Public Schools - Berkley Maynard Academy - Material Revision of Charter - Expansion Up to and Including 8th Grade - Petition and Proposed Charter (Revised)**

Approval by State Administrator of Aspire Public Schools - Berkley Maynard Academy - Material Revision of Charter - Expansion Up to and Including 8th Grade - Petition and Proposed Charter (Revised).

Attachments: [Document\(s\)](#)
[08-1276 - Aspire Public Schools - Berkley Maynard Academy - Material Revision of Charter - Expansion Up to and Including 8th Grade .pdf](#)
[08-1276 - Decision -Aspire Public Schools - Berkley Maynard Academy - Material Revision of Charter - Expansion Up to and Including 8th Grade - Petition and Proposed Charter \(Revised\).pdf](#)

stated that this item was last taken up at the June 25th meeting [Public Hearing]. He recognized staff for presentation of report. David Montes de Montes, Coordinator, Charter Schools Office presented the report. He stated that Berkley Maynard Academy requested a material change to its Charter on May 28, 2008. The request, said Montes, seeks to expand the grade configuration of the school to serve students up to and including grade 8. The School currently serves grades K-5. Charter law, said Montes, indicates that a material revision be evaluated using the same standards applied to the submission of a new petition. Staff evaluated the request based on a) The educational soundness of the proposed change; b) The demonstrated capacity of the petitioners to successfully implement the change; and c) The extent to which the description of the change is reasonably comprehensive.

Montes said staff applied the District's Charter Petition Evaluation Rubric to assess the soundness of the proposed change as described in the staff report that has been submitted on this item. The revision request includes appropriate programmatic elements, articulation of curriculum assessments for early adolescents consistent with the addition of 6th through 8th grade population.

Montes said staff reviewed the performance of the Charter School; the background of the current school leader and the performance history of the Charter management organization to determine the likelihood of successful implementation. As outlined in the report, staff has determined the school is likely to successfully implement the proposed change.

Montes said page 3 of the Report outlines the general impact of the proposed material revision.

Montes said that he would be glad to go into any additional detail regarding this proposed change; that staff, therefore, recommends the approval of the material revision for the Berkley Maynard Academy Charter Petition.

State Administrator Matthews thanked staff for report; called for any public speakers. Secretary Rakestraw responded "None." Matthews asked for comments or questions from Board Members Dobbins and Gallo. Neither member had a question. Matthews asked Interim Superintendent Roberta Mayor if she had any questions. Dr. Mayor responded, "No." Matthews then approved the item, as recommended, as reflected in the official vote herein.

A motion was made by Vincent Matthews, seconded by Vincent Matthews, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 1 - Vincent Matthews
Nay: 0
Recused: 0
Absent: 5 - Kerry Hamill, Gregory Hodge, Gary Yee, Alice Spearman, David Kakishiba, Shannon Chase and Cecilia Lopez
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



08-1417

Legacy of Genius College Preparatory Academy - Petition and Proposed Charter

Public Hearing - Legacy of Genius College Preparatory Academy - Petition and Proposed Charter.

Attachments: [Document\(s\)](#)
[08-1417 - Legacy of Genius College Preparatory Academy - Petition and Proposed Charter.pdf](#)

State Administrator Matthews opened the hearing at 4:26 P.M. State Administrator Matthews invited any speakers to please come forward.

Dr. Terrance Candell, Lead Petitioner, for the proposed Charter, spoke in support of the petition. He said basically petitioners are trying to give an alternative to those potential students who would otherwise be "thrown to the side; may not have an opportunity - the only opportunity they might have - is at Dewey and maybe not that in some cases." He said, the purpose of the school is to embrace those pupils who are involved in social services and foster care, etc., so that the school would be able to provide them with a quality education that will gear them toward college.

Candell stated that he knew that aspiration "sounds like a tall order." However, noting that he sees the direction the District is moving and this is Legacy's opportunity to jump on board and provide that other dimension to it. He also said, giving background information, that before he left the District years ago there were students like he has described; teachers unable to handle them; they were sent to him for handling. He said Legacy presents an opportunity for him and petitioners to put that into some kind of structure; this is the method; to put that method into use. For example, said Candell, students who are either in foster care or some who come in with chip on shoulder, may believe already that they are stars. He said you do not take a star and put him in the back of the classroom but you put him on equal footing with everyone. He said, by doing so, when a pupil has an opportunity to learn, the pupil will step forward and he is a star already, again.

Candell said the foregoing is one of the approaches. He said that in Legacy's classrooms no student will sit behind any student; everyone will participate inward. He said if you go the colleges [not named] you can see how that environment has been replicated. He said he and his colleagues intend to take on this type of challenge and hopes to facilitate it at the Legacy of Genius College Preparatory Academy.

Candell asked if there were questions. There were no questions. Candell inquired if there is a staff report on petition. State Administrator Matthews responded "not at this time;" at the next meeting - when the decision is made - a staff report will be available."

Kirsten Vital, Chief of Community Accountability, stated the staff report [recommendation] will be made August 27, 2008.

Candell said, concluding and speaking personally and not as petitioner, that a lot of folk in the community - with whom he has spoken and done social research - who feel there has to be an alternative to "ok well they dropped out; its time for them to become involved in drugs and because incarcerated; shoot somebody, etc." He said Legacy is gearing toward becoming more comprehensive about those who are included in the educative process. He said that he believed people will be glad to see something like Legacy come about to change that environment - like at 81st and Rudsdale. He said petitioners, if you know the area, are serious about effecting change. He concluded by thanking listeners for time.

Dr. Ralph Peterson, who said he has been in private practice for about 25 years, speaking in favor of the petition, said that he has dealt with kids coming from foster care homes and

other institutions. He said either through visits at his office or while visiting facilities, with kids who are in school, some of the problems he sees are psychosocial issues that have to be dealt with medically. He said that is one component of the Charter School that will be in place. He said that Dr. David Kears [Director, Alameda County Health Services Agency] has given his blessing to move forward with the school as rapidly as one can; to put a team of experts in place so the issues can be dealt with because the kids survivability depends on proper diagnosis, necessary drugs where needed, counseling, etc. All of the foregoing is important for the Educational Component that Dr. Candell had mentioned, said Dr. Peterson, so the school can go in a positive direction. He asked if any questions. There were none. He and State Administrator Matthews mutually exchanged "thanks you" for listening, comments, respectively.

Robert Coleman, speaking in favor of petition, thanked the Board and State Administrator for the time and opportunity to speak. Coleman said, he wishes to speak, in particular, to the social responsibility the petitioners feel they have, just as the school board has, and what we have done about it. He said that he had distinctively worked with social services, mental health, department of probation to look at the situation where the former has a group of students for whom they are totally responsible and how they insure that these students who have the highest delinquency rate, drop out rate, receives some type of assistance. He said petitioners in particular are concerned about these types of students (rather than ADA student): students on probation, in a social service environment that has already separated them from being a regular ADA student. He said that petitioners are not trying to take students away from the school board or compete but are trying to enhance what the board is already doing, in the sense that Legacy will pick up these students; treat them with Independent Studies; a Kouman Program that the petitioners are affiliated with and try getting the students back on the basic track of believing in themselves as petitioners believe in them. Coleman thanked the listeners for their time. State Administrator Matthews said, "Thank You."

State Administrator Matthews asked Secretary Rakestraw if there were other speakers on the matter. Rakestraw responded, "No other speakers on this item, Mr. State Administrator."

State Administrator Matthews, again, thanked all parties for their time; closed the hearing at 4:35 P.M. He said that on August 27 staff will bring back a report and the District will deliver its decision.

Hearing Held and Closed

J1. State Administrator's Update

State Administrator, before taking up the next item, gave a quick update to Board members present - Gallo and Dobbins - on District's receipt of request from the City of Oakland regarding Special Assessment to put wires underground in the area of the Montera Middle and Miller Elementary Schools. He said that he wanted to let Board members present know that the District's facilities attorney has researched the issue and the District, under State Administrator, has to give a vote in the next week and that if you want any more information or want to get information to him, please do so at earliest convenience.

K. New Business - State Administrator

Pupil Achievement - FCMAT III



[08-1596](#)

Public Hearing and Adoption - General Waiver Request - STAR and CELDT Testing - Achieve Academy - Fiscal Year 2006-2007

Public Hearing and Adoption of Resolution No. 0708-0231 - Request to the California State Board of Education for a General Waiver of California Code of Regulations (CCR), Title 5 sections 862(c)(2)(A) and 11517.5(b)(1)(A) Pertaining to Assessment Apportionment Funds for STAR and CELDT Testing Regarding Pupils at Achieve Academy for Fiscal Year 2006-2007.

Attachments: [Document\(s\)](#)
[08-1596 - General Waiver Request - STAR and CELDT Testing - Achieve Academy - Fiscal Year 2006-2007.pdf](#)

State Administratoristator Matthews, taking up the matter, stated that at last meeting on June 25th the public hearing on the General Waiver had been held. He wanted to know if there were any questions from Board members? Secretary Rakestraw responded that the issue before the State Administrator is a different hearing; different matter. Mr. Montes further responded that there were two waiver request scenarios, one that occurred and was approved at the previous Board meeting on June 25th and this is a separate and different both public hearing and recommendation for approval of a different waiver request than the previous items. Matthews thanked Montes and asked if same for the next two agenda items. Montes responded all three are coming together with Matthews asking him if he was going to speak to all three at one time. Secretary Rakestraw further responded that the three matters require a separate public hearing. State Administrator Matthews said, "Got it."

State Administrator Matthews opened the public hearing on General Waiver Request for Achieve Academy at 4:38 p.m. Secretary Rakestraw stated there were no speakers on the item. State Administrator Matthews closed the public hearing at 4:39 p.m.

Matthews called for staff report. Mr. Montes stated staff recommends approval of the Waiver due to school having missed the filing deadline. He said approval of the Waiver is being requested, so school can provide accurate reporting to state and receive the funding for state testing.

State Administrator Matthews asked if Board member present had any questions. Director Dobbins, said two things: 1) maybe give a little background and 2) why waiver. Mr. Montes said prior to 2006 Charter Schools submitted all General Waiver Requests, under Education Code, directly to the state. In this instance, the State requires that the Charter schools or school districts to provide an information report on all students who were tested - CELDT and STAR. And when that report is made, a certain apportionment of funding is received based on the report, said Mr. Montes. He said the report's statutory deadline is December 31.

Mr. Montes said in this case, at the school, there were maternity leave issues pertaining to the office staff that caused the missed deadline. And so the Charter Schools Office contacted the State to see if a waiver could be made and received an affirmative response. Montes further said a tardy report could be submitted with the Waiver Request to the State, and in turn, if State Board approves the Waiver request the school will receive the apportionment funding. Montes further explained that since January 2007, the

requirement is that such a request must be submitted by the Charter School's authorizer. State Administrator Matthew, having asked if there were additional questions and receiving no questions or comments, approved the matter.

A motion was made by Vincent Matthews, seconded by Vincent Matthews, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
 Adv Nay: 0
 Adv Abstain: 0
 Aye: 1 - Vincent Matthews
 Nay: 0
 Recused: 0
 Absent: 5 - Kerry Hamill, Gregory Hodge, Gary Yee, Alice Spearman, David Kakishiba, Shannon.Chase and Cecilia. Lopez
 Preferential Aye: 0
 Preferential Abstention: 0
 Preferential Nay: 0



08-1597

Public Hearing and Adoption - General Waiver Request - STAR and CELDT Testing - Cox Academy - Fiscal Year 2006-2007

Public Hearing and Adoption of Resolution No. 0708- 0232. Request to the California State Board of Education for a General Waiver of California Code of Regulations (CCR), Title 5 sections 862(c)(2)(A) and 11517.5(b)(1)(A) Pertaining to Assessment Apportionment Funds for STAR and CELDT Testing Regarding Pupils at Cox Academy for Fiscal Year 2006-2007.

Attachments: [Document\(s\)](#)
[08-1597 - General Waiver Request - STAR and CELDT Testing - Cox Academy - Fiscal Year 2006-2007.pdf](#)

State Administrator Matthews opened the public hearing on General Waiver Request for Cox Academy at 4:40 p.m. Secretary Rakestraw stated there are no speakers on the item. State Administrator Matthews closed the public hearing at 4:41p.m.

Mr. Montes, as staff, recommended approval of General Waiver Request for Cox Academy for STAR and CELDT Testing Apportionment Reporting.

State Administrator Matthews, having asked if there were questions from Board members present and receiving no questions or comments, approved the matter.

A motion was made by Vincent Matthews, seconded by Vincent Matthews, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
 Adv Nay: 0
 Adv Abstain: 0
 Aye: 1 - Vincent Matthews
 Nay: 0
 Recused: 0
 Absent: 5 - Kerry Hamill, Gregory Hodge, Gary Yee, Alice Spearman, David Kakishiba, Shannon.Chase and Cecilia. Lopez
 Preferential Aye: 0
 Preferential Abstention: 0
 Preferential Nay: 0

[08-1598](#)**Public Hearing and Adoption - General Waiver Request - STAR and CELDT Testing - World Academy - Fiscal Year 2006-2007**

Public Hearing and Adoption of Resolution No. 0708- 0233. Request to the California State Board of Education for a General Waiver of California Code of Regulations (CCR), Title 5 sections 862(c)(2)(A) and 11517.5(b)(1)(A) Pertaining to Assessment Apportionment Funds for STAR and CELDT Testing Regarding Pupils at World Academy for Fiscal Year 2006-2007.

Attachments: [Document\(s\)](#)
[08-1598 - General Waiver Request - STAR and CELDT Testing - World Academy - Fiscal Year 2006-2007.pdf](#)

State Administrator Matthews opened the public hearing on General Waiver Request for World Academy at 4:42 P.M. Secretary Rakestraw stated there are no speakers on the item. State Administrator Matthews closed the public hearing at 4:43 P.M.

Mr. Montes, as staff, recommended approval of General Waiver Request for World Academy for STAR and CELDT Testing Apportionment Reporting.

State Administrator Matthew asked if there are questions from Board members present or Superintendent Mayor. Interim Superintendent Mayor asked Montes if all of the Charter Schools have the required timeliness so these deadlines will not be missed in the future. Mr. Montes responded that they should have the required deadlines. In this case the school provided an explanation based on the absence of staff during that period and subsequently expressed an expectation that they will meet the deadline in the future. Montes said this is the first time the Charter School Office has received such a request for a school having missed this particular deadline. State Administrator Matthews, following up on Superintendent Mayor's question, asked Montes, notwithstanding that the State sends the requisite information to the schools, but that the Charter Office do likewise. Montes agreed to do so. He said this task will be added to the key dates of notices already provided to schools about particular deadlines. State Administrator Matthews then approved this item.

A motion was made by Vincent Matthews, seconded by Vincent Matthews, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 1 - Vincent Matthews
Nay: 0
Recused: 0
Absent: 5 - Kerry Hamill, Gregory Hodge, Gary Yee, Alice Spearman, David Kakishiba, Shannon.Chase and Cecilia. Lopez
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

L. Adjournment

State Administrator Matthews, having asked if there were any additional comments or questions and receiving none, adjourned the meeting at 4:43 P.M.

Prepared By: _____

Approved By: _____