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Memo

To Board of Education

From VanCedric Williams, Board Member
Mike Hutchinson, Board Member
Clifford Thompson, Board Member

Meeting Date January 27, 2021

Subject Resolution No. 2021-0037 - Reparations for Black Students

Action Approve Resolution No. 2021-0037 - Reparations for Black Students

Background For decades, Black students and families have experienced significant barriers and anti-Black racist structures in OUSD schools, and have suffered from a lack of investment in their success. Over the last twenty years, through school closures in Black neighborhoods and the gentrification it has spurred, the over-criminalization of Black youth, and the failure to adequately resource schools serving Black families, two-thirds of Black students have been forced out of the District. Black children in OUSD have faced the greatest obstacles and have been granted inadequate resources to allow them to thrive.

OUSD has taken a huge step in stopping the harm to Black students and families by following the community-based leadership of the Black Organizing Project (“BOP”) and adopting the George Floyd Resolution to eliminate the District’s police department. Now, the District must begin to invest in Black students and families to repair the generations of harm.

Discussion Since 2018, the Justice for Oakland Students Coalition Black Working Group (“J4OS-BWG”) has convened 150 Black students and families to envision solutions that will allow Black students to thrive in OUSD. This Resolution will build on the George Floyd Resolution, OUSD’s Equity Policy, and the work of the Black students and families engaged in the J4OS-BWG work to implement these solutions and invest in our 8,314 remaining Black Students.

It is time for a solution that matches the scale of the problem. This Resolution will invest in Community Schools that center Black thriving and joy so that every Black Student feels a sense of belonging, their identity is affirmed, and they have the resources needed to succeed.

This Resolution will create a Black Student and Families Task Force which will put forth a set of Black Thriving Indicators to hold the District and the Board accountable. It will reprioritize existing resources and draw new resources into a categorical Black Thriving Fund to support the academic and socio-emotional needs of Black students. It will, through the development of a Black Students Thrive Plan, monitor the District's success. This Resolution will ensure the ongoing implementation of the George Floyd Resolution and the development of a citywide Birth to Kinder plan for Black students. Finally, it will ensure that everyone in OUSD schools, from students to teachers to administrators and the Board, will be trained in anti-Racist, Black healing centered practices.

The Covid-19 Pandemic has revealed and exacerbated the differential and negative treatment of Black children compared to other students and made clear the District must act now to address the anti-Black racism in District schools.

Fiscal Impact

This Resolution involves examining and reprioritizing existing resources and presumes new resources will be sought through local, state, federal, and private channels. The net fiscal impact will depend on the scope of work undertaken as decided by the Board under the Black Thriving Plan.

Attachment

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- Resolution No. 2021-0037 - Reparations for Black Students

**RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 2021-0037

Reparations for Black Students

WHEREAS, the Oakland Unified School District (“OUSD” or “District”) has a responsibility to promote the healthy development of each one of its students, which includes protecting them from systemic racism and violence to the greatest extent possible while they are at school;

WHEREAS, the Board of Education (“Board”) adopted Board Policy 5032 (“Equity Policy”) to “interrupt patterns of institutional bias” within OUSD and which defines equity as “providing students what they need to achieve at the highest possible level” in order to eliminate opportunity gaps between student demographic groups, including Black or African American students (referred collectively herein as “Black students”);

WHEREAS, the 2018-19 state measures of academic progress, including chronic absenteeism, graduation rate, suspension rate, and academic outcomes (which includes performance in English language arts/literacy and mathematics) for Black students in OUSD mark the sixth consistent year of documented disproportionality of growth for Black students compared to other demographic subgroups;

WHEREAS, the African American student subgroup is identified as a population on the California Schools Dashboard for which the District has not successfully implemented local strategies to generate student growth;

WHEREAS, pursuant to the 2020 settlement of the *Ella T. v. California* lawsuit in which almost a dozen OUSD elementary schools have been identified as schools with significant populations of Black students who have not achieved literacy standards by grade level;

WHEREAS, Black students represent 22% of all OUSD students but 57% of all suspended students, and the 33% of Black students with Special Education Individualized Education Plans (“IEPs”) are nine times more likely to be suspended than other students;

WHEREAS, OUSD changed the way it allocated Local Control Funding Formula (“LCFF”) Concentration dollars through the use of an “Equity Index,” which penalized schools with more than 50% Black students, causing significant strain on the school-based investments available to support Black students as presented in APPENDIX A;

WHEREAS, OUSD has struggled with the recruitment, development, and retention of Black educators, a proven strategy to raise the academic success of Black students;

WHEREAS, OUSD passed Resolution No. 1920-0260 - George Floyd Resolution to Eliminate the Oakland Schools Police Department (“George Floyd Resolution”), which calls for eliminating OUSD police and redirecting resources toward student safety supports, through a community-driven safety plan created by the Black Organizing Project (“BOP”);

WHEREAS, OUSD seeks to ensure that Black Students are ready for college and career;

WHEREAS, OUSD seeks to take immediate action to stop and repair the harm to Black students and their families caused by decades of structural racism and also by the differential impact of COVID-19 on Black communities by creating a targeted plan to monitor and invest federal, state, county and local funds for Black students and for thriving community schools in Black communities;

WHEREAS, as a result of OUSD’s structures and practices, including over-policing, overidentification for special education services, school closures, and charter co-locations in majority-black schools and communities, disruptions caused by creating and dissolving new schools, both small schools and charter schools which do not serve Black children, which has also fueled the gentrification and displacement of Black communities, the District’s Black student population has precipitously declined over the last twenty years from 25,540 in 2000-01 to just 8,314 in 2019-20;

WHEREAS, OUSD acknowledges that student education happens not just in traditional classrooms, but also through a wide range of services that support the whole child and that the individualized and small group provision of academic, mental health, and special education services is an integral part of how schools are used in service of students and should be included in the District’s utilization calculations;

WHEREAS, the administrative regulations (5 CCR §§ 11969 *et seq.*) implementing Proposition 39 that govern charter school co-locations have not been updated in more than ten years, despite the fact that charter school growth has exploded in OUSD and co-locations under Proposition 39 have resulted in the harmful displacement of Black children from classrooms into closets; and

WHEREAS, research demonstrates that providing targeted resources to specified students directly correlates to improving outcomes and narrowing the opportunity gap for those students.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby directs the Superintendent to take all steps necessary to eliminate the Black student opportunity gap across all schools by 2025, as set forth in this Resolution;

BE IT FURTHER RESOLVED, the Board hereby directs the Superintendent to take the following emergency actions immediately to address the disproportionate impacts of the Covid-19 pandemic:

- (1) design and approve a community-informed plan by March 15, 2021, for a safe and healthy return to the school that includes the creation of an Emergency Fund for Black students and their families hardest hit by the Covid-19 pandemic to cover the payment of back rent owed in order to ensure that Black students are not displaced from their homes, which negatively impacts their ability to learn,
- (2) establish, in OUSD's role as a core partner of the Oakland Undivided campaign, that all OUSD Black students, regardless of socio-economic status, are the highest priority applicant for the approval, assignment, and distribution of Chromebooks and functional hot spots, beginning immediately and continuing as needed, to close the Black digital divide, and
- (3) utilize the OUSD "Covid-19 School Capacity Planner" (available at <https://dashboards.ousd.org/views/COVIDSchoolCapacityPlanner/Examples?%3Aembed=y#1>) as part of its determination process for offering space to charter schools under Proposition 39 to ensure that OUSD schools can be safely opened and operated in the 2021-22 school year with appropriate safeguards, including (but not limited to) social distancing, especially given that co-locations of charter schools on district campuses historically deprive space for services needed to protect and educate Black students;

BE IT FURTHER RESOLVED, the Board directs the Superintendent to take the following steps to implement this Resolution:

- (1) establish a Black Student and Families Thriving Task Force ("Task Force"), comprised of Black students, caregivers, community members, educators, and members of the Black Working Group of the Justice for Oakland Students Coalition, reporting jointly to the Board of Education and Superintendent, that will guide and monitor the establishment and implementation of this Resolution, not later than March 31, 2021,
- (2) the Task Force shall develop, and the Board shall consider for adoption not later than June 30, 2021, a set of Black Thriving Indicators ("Indicators") that OUSD and its schools would use to set goals and measure success,
- (3) OUSD shall establish, beginning with the 2021-22 OUSD budget cycle and ongoing, a new categorical Black Thriving Fund ("Fund") to focus targeted resources from LCFF supplemental and concentration funds, Title I, Title II, and other public and private sources for implementation of this Resolution and effective strategies as identified in an annual planning process at schools for expenses to be identified by the Task Force that supports the academic and socio-emotional needs of Black students,

- (4) Not later than August 1, 2021, the Superintendent shall present to the Board a Black Student Thriving Plan (“Plan”) that sets criteria for the continuous improvement of all OUSD schools with 10 or more Black students enrolled (by annual census date or thereafter) to determine whether academic and socioemotional resources are effectively creating Black student academic growth and achievement, including distributions as needed from the Black Thriving Fund,
- (5) in recognition of the harm caused to Black students who have been disproportionately impacted by the disruption caused by school closures and lost learning space caused by charter school co-locations, the Board hereby exempts Historically Black Schools, defined as non-charter schools with a population of 30% or more of African American students in 2019-2020, from school closures in current and future efforts by the District with the Blueprint for Quality Schools or other initiatives, and declares that these schools be designated as Community Schools with all available district, local government, and community based services and supports needed to ensure that Black students thrive, and further that these Black Thriving Community School spaces be protected from displacement by charter school co-locations,
- (6) in support of OUSD’s commitment to Community Schools, the Superintendent shall propose and the Board shall consider for adoption not later than September 30, 2021, a new Facility Utilization Formula (“Formula”) to be used in all decision making about school facilities, including co-location of charter schools or District services, and the Formula will reflect the ways in which the District’s community schools are actually and reasonably used in service of students, and further the Superintendent will create a process for drafting utilization one-pagers or other documents based on the Formula which includes site leaders, staff, teachers, and parents or guardians along with District staff,
- (7) the Board shall advocate at the state level for changes to Proposition 39, including the revision and updating of the administrative regulations thereto, in order to eliminate harm to Black students caused by the co-location of charter schools on District campuses that serve Black students, disrupting their education, and displacing them from spaces needed for necessary academic and other services,
- (8) the Superintendent shall create a publicly-available transparent dashboard on ousddata.org which monitors the progress of each site’s planning, implementation, and success of the Black Student Thriving Plan, and will further provide the Board with a semi-annual update on the progress,
- (9) OUSD will use the Fund to create additional learning support, both virtually (during the pandemic) and in-person when schools have been safely reopened in full, for Black students and their families to receive consistent support in the areas of credit recovery, post-secondary preparation, job training, and social-emotional learning and further provide wrap-around services for youth and their families in the college and career matriculation process,

- (10) the Superintendent shall conduct an audit (“Literacy Audit”) of the current publicly and private funded, strategies, services, and programming to assess their effect on the literacy development of Black Students and provide a written report not later than June 30, 2021,
- (11) the Superintendent shall include in any literacy initiative adoption process (“Curriculum Selection Process”) culturally relevant research-based curriculum that incorporates Black studies, identified by and agreed upon through a community selection and decision-making process led by the Task Force,
- (12) the Superintendent shall use the findings from the Literacy Audit and the Curriculum Selection Process to create a city-wide literacy initiative that utilizes District, county, city, state, and corporate resources to accelerate literacy development in Black Students, achieving targets identified by the Task Force as soon as possible, and not later than November 2025,
- (13) the Superintendent shall set annual goals to monitor over-identification of Black students for emotional disturbance, and will contract with a community-based organization, in partnership with the Regional Center of the East Bay, to provide professional advocacy services and training to families and caregivers of Black students with IEPs to ensure they thrive in OUSD,
- (14) the Superintendent, beginning with the 2021-22 school site budgets and ongoing, shall restore lost concentration funds from and stop using the anti-Black Formula that disproportionately harmed schools with significant percentages of Black students, and establish in its place a Racial Equity Funding Formula that takes into account the needs of Black students across the district and across designations,
- (15) OUSD shall continue to implement the George Floyd Resolution to end anti-Black discriminatory discipline practices and reinvest in restorative practices and other alternatives to suspensions, in accordance with BOP’s “People’s Plan,” and in alignment with this Resolution,
- (16) OUSD shall lead the development of a citywide “prenatal to kinder” plan to:
 - increase access to affordable quality preschool programming,
 - commit to fully utilizing state and county funding for early care and education,
 - promote professional development opportunities for OUSD educators and staff to learn practical ways to engage families as identified by the Office of Equity and the Oakland Starting Smart and Strong Initiative,
 - address educator bias and use trauma-informed practices in early learning settings that are based on research and brain sciences,

- support family engagement and leadership to support successful kindergarten transition for Black students, which research indicates supports successful kindergarten experience and which is correlated with later academic success,
- ensure that preschool is included in work on addressing racist disciplinary and suspension policies,
- include preschool in monitoring the over-referral of black students to SPED for Emotional Disturbance,
- stabilize Black students and families by considering a fund specifically to address hunger, basic needs, and educational materials from head start/pre-k-12,

(17) the Superintendent shall establish a workforce development initiative by August 1, 2021 that increases the cultural competence of all OUSD board members, administrators, educators, staff, and school communities by providing regular training on anti-Black racism, Black healing-centered practices, and how to embed Black studies in all classrooms in order to increase the skill and knowledge of the district to ensure that Black Students are thriving;

BE IT FURTHER RESOLVED, the Board hereby directs the Superintendent to include the Plan within the 2021-2023 Strategic Plan to increase and maintain the necessary mandated infrastructures and resources to develop the engagement, leadership, and decision making power of Black students, Black families, and communities in order to ensure ongoing engagement in District-wide and school site strategies to improve the academic and socio-emotional development of Black Students and to achieve annual targeted growths within the California School Dashboard or equivalent monitoring tools; and

BE IT FURTHER RESOLVED, the Board hereby directs the Superintendent to include in the 2021-2023 Strategic Plan the creation of a recruitment and retention plan for Black teachers and Black school leaders that meaningfully develop their capacity through the implementation of competitive salaries and benefits, professional training, coaching and mentorship, and opportunities for growth.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this ____ day of _____, 2020, by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSED:

ABSENT:

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held on December 9, 2020.

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By:	

OAKLAND UNIFIED SCHOOL DISTRICT

Shanthi Gonzales
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education