

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9131

Advisory and Oversight Committees and Commissions

Section 1 General Guidelines

Purposes

The Board shall establish advisory or oversight committees or commissions (hereafter “bodies”) for the purpose of meeting legal requirements and to provide advice and involvement concerning matters of interest and welfare to the Board of Education. Advisory committees shall focus their work on the goals and objectives of the District. Oversight committees or commissions have specific mandates outlined in authorizing legislation or voter-approved bonds and parcel taxes. All of these bodies are advisory to the Board of Education; the Board of Education retains final authority.

All body meetings are open to the public and shall have designated times for public comment.

Appointment, Term of Membership, and Attendance

Persons interested in serving on a body shall submit an application and any documents that outline their qualifications for and commitment to serve on the body, such as a resume.

The following information shall be made available from the Office of the Board of Education and the OUSD website:

- The purpose of each body.
- Any open seats on each body.
- The process to apply for any open seats on each body.
- Purpose and meeting schedule of each body.

Unless otherwise specified, the attendance requirement for each body shall provide that if a member misses two consecutive meetings without a valid excuse, as determined by the body, the member shall be considered to have resigned.

Unless otherwise specified, the term of a member, shall be for a two-year period. The Office of the Board of Education shall record the start date and end date of each member’s term according to the legislative enactment.

In those instances in which a new body’s full or total membership is being established for the first time the minority of members shall be appointed to a one-year term, and the majority of members shall be appointed to two-year term. The Office of the Board of Education shall record the start date and end date of each member’s term according to the legislative enactment.

A Member’s service on a body shall be limited to a maximum of three consecutive terms. A former member, who last served three consecutive terms, is eligible for re-appointment to a body after 12 calendar months have elapsed from the last date of the third term of the former member’s service. All committees and commissions shall be in recess during the month of July.

A decision regarding any replacement to fill vacancies shall be made by the Board, according to the application process outlined above, unless otherwise specified. A person appointed shall be for the vacancy term.

Size and Composition

All bodies, unless otherwise specified, shall be limited to seven members. All applications shall be reviewed by the Board President or the Board President's designee. The Board President's recommendations for the appointment of members to each body shall be forwarded to the Board of Education for ratification.

It is the goal of the Board that the composition of each body be representative of the following, unless otherwise specified herein or in the creation resolution:

- the ethnic, age group, and socio-economic composition of the District;
- the City's seven electoral districts;
- the business community;
- community organizations;
- teachers, administrators, and other school employees;
- parents;
- students; and
- labor organizations.

Operating Procedures

The specific function of each body shall be determined herein or by the Board.

Each body shall elect a chairperson, vice-chairperson, and secretary.

Written minutes shall be kept of all meetings held and shall record attendance and recommendations made. Adopted minutes shall be made available to the public by posting on the OUSD website.

Copies of all recommendations shall be forwarded by separate letter to the Board and to the Superintendent after the meeting at which the recommendations were adopted.

The quorum for each meeting shall be fifty percent plus one of the membership. There shall be no proxy votes.

All committees and commissions shall comply with the provisions of the Brown Act (Government Code 54950-54961).

Committee and commission members shall not be compensated for their services.

Board Liaisons

The Board President shall appoint a Board Director (each year at the Board's Annual Organization Meeting) to serve as a Board Liaison to each body. The expectation is for the Board Liaison to attend and

observe all meetings of the body and provide consultative support to the chairperson.

Support Services

The Superintendent shall designate a Chief (senior management) to serve as the coordinator to each body and said coordinator shall be responsible for providing support services as needed. The Office of the Board of Education shall support each body. The Office of the Board of Education shall publicize the availability of vacancies on each body.

District Impact

To the extent possible, the coordinator to each body shall provide a District Impact Statement on behalf of the Superintendent analyzing the financial and programmatic impact of recommendations made by each body.

Evaluation

If recommendations are enacted, the effectiveness of the recommendations shall be evaluated to determine if they are meeting the identified goals.

Section 2 Mandated Advisory or Oversight Committees, Commissions

Each body that is mandated by law, court decision, or regulation shall conform and operate in compliance with the legal requirements for the body. Prior to the time at which the mandate of such body ends, the Board shall determine if or in what form the body, consistent with law, shall continue to function.

Mandated bodies include the Independent Citizens' Bond Oversight Committee, the Measure G Parcel Tax Independent Citizens Oversight Committee, the Measure N – College and Career Readiness Commission, and the Measure G1 – Teacher Retention and Middle School Improvement Act Oversight Commission.

The Independent Citizens Bond Oversight Committee (currently the Measures B, J, and Y Independent Citizens Bond Oversight Committee or Measures B, J, Y Committee)

Date created: January 13, 2021 – Resolution No. 2021-0031

Purpose: With respect to Measure B (2006), Measure J (2012), and Measure Y (2020), to provide advice and recommendation to the District regarding the expenditure of funds for bond related projects, to actively review and report on the proper expenditure of taxpayers' money for school construction and to take any necessary action in furtherance of its purpose including, but not limited to, receiving and reviewing copies of annual independent financial audits and deferred maintenance proposals, inspecting school facilities and grounds, receiving and reviewing cost-saving measures designed to reduce the costs of professional fees and site preparation. The Committee shall have the option to tour sites where Bond funds are being expended, with support from the Superintendent.

The Superintendent or designee shall consult with the Committee Chair regarding the selection of the Finance and Performance Auditor and the Financial Advisor as well as the hiring of a Deputy Facilities Chief. This consultation shall include appointing the Committee Chair or designee to the selection panel, if there is one, for the Finance and Performance Auditor, the Financial Advisor, and the Deputy Chief,

Facilities Planning and Management to the extent permitted by law.

The activities of the Committee shall include, but are not limited to:

- (1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (2) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (3) Periodically inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (4) Preparing a publicly available annual report of bond activities and expenditures.
- (5) Preparing other reports of their activities, findings, and recommendations to the Superintendent, the Board and the public.
- (6) Alerting the Board, Superintendent and the Public at the earliest possible opportunity of any improper use of Bond funds, in accordance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, by requesting that the Board place on its next Board meeting agenda items of immediate concern related to possible improper use of Bond funds or, in cases of extreme urgency, requesting a special Board meeting to consider the item.
- (7) Reviewing and making advisory recommendations to the OUSD Board of Directors regarding proposed changes to Board-approved Facilities Spending Plans, the Voter Approved Project List, or changes to the most recent Board-approved Facilities Master Plan that impact projects paid for by bond funds.
 - a. These recommendations are to be made at a properly noticed Committee meeting prior to Board consideration of the changes.
- (8) Reviewing and making advisory recommendations to the OUSD Board of Directors regarding proposed alterations to project budgets, timelines, and other changes to bond program expenditures that are subject to OUSD Board of Directors approval.
 - a. If the Committee elects to review and make advisory recommendations regarding proposed alterations to project budgets, timelines and other changes to bond program expenditures that are subject to OUSD Board approval, these recommendations must be made at or before the Board meeting where the requested changes are to be considered for approval.
 - b. The Superintendent or designee shall ensure that all documentation related to the requested change is provided to the Committee through the Chair at the same time that such documentation is provided to the Board.
 - c. The Superintendent or designee shall ensure that all alterations to project budgets, timelines and other changes to the Bond program expenditures, with adequate explanations for these changes, are reported to the full Committee at the next scheduled meeting and, in no event less frequently, than once a quarter.

Number of members: Nine (9)

Special selection process: Pursuant to Proposition 39 (2000), the Committee shall include the following persons:

- One (1) member who is a parent or guardian of a child enrolled in the District.
- One (1) member active in a business organization representing the business community located

in the District.

- One (1) member active in a senior citizen's organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) member who is both a parent and guardian of a child enrolled in the District and active in a parent-teacher organization, such as the Parent- Teacher Association or a school site council.
- At least three (3) members of the community-at-large appointed by the Board.

A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure that the Committee is representative of the diversity of the District. Additionally,

- (a) To be a qualified person, he or she must be at least 18 years of age.
- (b) The Bond Oversight Committee may not include any employee, official of the District, or any vendor, contractor, or consultant of the District.
- (c) A majority of the members of the Committee shall possess expertise in one or more of the following areas:
 - Large scale construction operations
 - Municipal / Public finance matter
 - Multiple years' experience with agency/entity budgeting
 - Construction related project management
 - Real Estate acquisition or sales

Measure G Parcel Tax Independent Citizens Oversight Committee

Date created: August 27, 2008 -Resolution No. 0809-0043; Effective July 1, 2009

Purpose: To inform the public concerning the expenditure of parcel tax revenues and to review and report on the proper expenditure of taxpayers' money generated by the 2009 Measure G parcel tax. The Committee shall:

- Receive and review a report from the Superintendent no later than December 31st of each year that details: (1) the amount of Education Parcel Tax revenues received and expended in the prior year, including District reports and independent annual audit reports pertaining hereto; and (2) the status of any projects or descriptions of any program funded from proceeds of the tax.
- Produce an annual report on the preceding fiscal year expenditures for public distribution and distribution to the Board of Education not later than February 28 annually that communicates the Committee's finding as to whether tax proceeds are being spent for the purposes permitted by the Measure and recommendations, if any.

The Committee shall have the option to tour sites where Parcel Tax revenues are being expended.

Special selection process: The Committee shall possess expertise in or represent the following:

- One member shall be the parent or guardian of a child enrolled in the District;
- One member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the School Site Council or Parent Teacher Association;
- One member shall be a community member who does not currently have a child enrolled in the District
- One member shall be a representative of the business community; and
- At least two members shall have demonstrated financial expertise.

At least four members of the committee shall be property owners in the City of Oakland. A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure the Committee is representative of the diversity of the District.

Measure N – College and Career Readiness Commission

Date created: November 19, 2014 - Resolution No. 1415-0119; Effective February 1, 2015

Purpose: The Measure N College and Career Readiness Commission shall advise and report to the Board of Education and shall be responsible for:

Planning

- (a) Reviewing each high school’s School Quality Review findings, Balanced Scorecard results, and education improvement plans;
- (b) Submitting school funding recommendations to the Board of Education for action.

Oversight

- (a) Oversight of proper allocation and use of all parcel tax monies;
- (b) Reviewing annual independent audit reports;
- (c) Submitting recommendations to the Board of Education any new or modified policies and administrative regulations to ensure the Oakland Unified School District’s compliance with the requirements and intent of Measure N.

Number of members: Five (5)

Special selection process: The Commission shall be comprised persons who demonstrate extensive knowledge and expertise in high school and postsecondary curriculum, instruction, and leadership; education research, evaluation, and analytics; and financial management and audits.

Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission

Date created: January 25, 2017 - Resolution No. 1617-0019; Effective February 16, 2017

Purpose: The Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission shall advise and report to the Board of Education and shall be responsible for (a) oversight of proper allocation and use of all parcel tax monies, (b) reviewing annual independent audit reports, and (c) submitting recommendations to the Board of Education for any new or modified policies and administrative regulations to ensure the Oakland Unified School District’s compliance with the requirements and intent of Measure G1.

Number of members: Five (5)

Special selection process: Preference in membership of the Commission shall be given to persons who demonstrate extensive knowledge and expertise in middle school education, with a focus on arts, music, and world languages, school safety, and in compensation for K-12 educational professionals.

Section 3 Ongoing Advisory Committees

The Board shall designate clearly the purpose, scope of activities, and membership of other advisory committees.

Ongoing advisory committees include the following bodies:

Audit Committee

Date created: December 13, 2006; Board Policy 3461

Purpose: The responsibilities of the Audit Committee shall include but not be limited to the following:

- (1) Recommend to the Board for approval the independent auditors.
- (2) Review the independent audit engagement including the fee, scope, and timing of the audit, and any other services to be rendered, including non-audit services.
- (3) Review with the independent auditor's district policies and procedures regarding internal auditing and internal accounting and financial controls.
- (4) Upon completion of their audit, review with the independent auditors the cooperation they received from district personnel during the audit, the extent to which district resources could be used to minimize the time spent on the audit, and any significant matters of concern arising from the audit.
- (5) Review with the independent auditors any significant transactions which are not a normal part of the district's business, any changes in accounting principles and practices, all significant proposed audit adjustments, and any recommendations that they may have for improving internal controls, choice of accounting principles or management systems.
- (6) Review with the district's financial and accounting policies regarding internal accounting and financial controls.
- (7) Review and recommend district policies to the Board to prohibit unethical, questionable, or illegal activities by district employees.
- (8) Review with the internal auditor the organization and independence of the internal audit function; the goals and plans of internal audit including the nature and extent of work; problems and experiences in completing internal audits; and findings, conclusions, and recommendations as a result of internal audits.
- (9) Upon completion of the independent audit, review with the district's financial and accounting managers their perception of the independent auditors, any significant matters of concern arising from the audit, and the extent to which recommendations made by the independent auditors have been implemented.
- (10) Prepare semi-annual written reports to the Board relating the results of committee activities.

The Board of Education may provide written guidance to the Committee on an annual basis regarding those areas on which the Audit Committee should focus.

Number of Members: Seven (7). Effective July 1, 2022, the number of members of the Committee shall increase from five (5) to (7). At least three members shall possess expertise in internal and/or external audits, and/or management of a public school system.

7-11 Committee

Date created: February 13, 2019 - Resolution No. 1819-0014

Purpose: The duties of the 7-11 Committee include: (a) Review the projected school enrollment and other data provided by the District to determine the amount of surplus space and real property; (b) Establish a priority list of use of surplus space and real property that will be acceptable to the community; (c) Cause to have circulated throughout the attendance area the priority list and provide for hearings of community input on acceptable uses, including sale or lease for child care development purposes per Education Code section 17458); (d) Make a final determination of limits of tolerance of use; and (e) Provide a report to the Board recommending a determination of whether real property is surplus space and real property. (Education Code § 17390)

Number of members: Between seven (7) and eleven (11).

Special selection process: The Committee must be comprised of members who represent each of the following:

- The ethnic, age, and socioeconomic composition of the District.
- The business community such as store owners, managers, or supervisors.
- Landowners or renters, with preference to be given to representatives of neighborhood associations.
- Teachers.
- Administrators.
- Parents/guardians of students.
- Persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities or cities and counties in which surplus space and real property is located.

A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure the Committee is representative of the diversity of the District.

Section 4 Task Forces of Limited Duration

The Board shall designate clearly the purpose, scope of activities, membership, and duration of task forces that are, by design, of limited duration.

Section 5 Committee Ethics Policy Statement

This Ethics Policy Statement provides general guidelines for all bodies in carrying out their responsibilities. Not all ethical issues that a body faces are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for members. The provisions of this Statement were developed from existing laws, rules, policies, and procedures as well as from concepts that define generally accepted good business practices. Members are expected to strictly adhere to the provisions of this Statement.

POLICY

CONFLICT OF INTEREST. A member shall not make or influence a District decision related to: (1) any contract funded by bond or parcel tax proceeds or (2) any program or project which will benefit the committee or commission member's outside employment, business, personal finances, or immediate family member such as a spouse, child, or parent/guardian.

OUTSIDE EMPLOYMENT. A member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond or parcel tax proceeds or (2) any construction project. A member shall not make or influence a District decision related to any construction project or contact with the District involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving a body, a former member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a committee or commission member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving a body, a former member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to:

- (1) Bidding on projects funded by the bond or parcel tax proceeds; and
- (2) Any construction project.

COMMITMENT TO UPHOLD LAW. A member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code), and all other applicable government entities, and the policies, procedures, rules and regulations of the Oakland Unified School District.

COMMITMENT TO IMPROVEMENT OF DISTRICT. A member shall place the interests of the District above any personal or business interest of the member.

3/27/13; 11/19/14A; 1/25/17A; 2/13/19A; 4/22/20A; 6/24/2020A; 1/13/2021A; 3/23/2022A