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File ID Number	23-1221
Introduction Date	4/26/2023
Enactment Number	
Enactment Date	



NOT ADOPTED

Board Cover Memorandum

To Board of Education

From Valarie Bachelor, Board Member
Jennifer Brouhard, Board Member

Meeting Date June 7, 2023

Subject Special Education Program Relocation, Redesign and Closure

Ask of the Board Adoption by the Board of Education of Resolution No. 2223-0221 - School Stability and Belonging for Disabled Students in OUSD: Special Education Program Relocation, Redesign and Closure

Background On March 9, 2023, the Board adopted Resolution No. 2223-0040 - Proposed Adjustments for 2023-24 Budget, which enacted budget solutions for the 2023-24 fiscal year and beyond. Some of those budget resolution involves the elimination of Special Education positions and the consolidation of Special Education programs.

Discussion The proposed Resolution would rescind the planned consolidations (i.e., moves, redesigns, and closures) of Special Education programs for 2023-24. The proposed rescissions would force the District to reinstate positions that had been eliminated by Resolution No. 2223-0040 in order to properly staff the reinstated programs.

With respect to any future Special Education program relocation, redesign, or closure, the proposed Resolution would require the following:

- It must be presented to the OUSD Community Advisory Committee (CAC) at least 30 days before being brought to the Board,
- It must be made before the start of the school enrollment process for the following school year, and
- It must be approved by the OUSD Board.

Additionally, the proposed Resolution would prevent the District from moving from a school, redesigning, or closing a Special Education program in such a way that bars students currently enrolled in the program from the choice of attending that school for the entirety of its grade span and would prevent any move, redesign, or closures from becoming effective for the school year following the one in which the relocation, redesign, or closure was proposed.

The proposed Resolution includes an exception if a Special Education program relocation, redesign, or closure is necessary to address urgent health and safety issues but only for the school year in which it arises unless such health and safety issue cannot be otherwise remedied. If this exception is utilized, the District must immediately notify impacted students, families, and staff as well as the Board and the CAC.

Under the proposed Resolution, the Superintendent or designee is directed to bring forward a proposed Board Policy to codify the requirements of the Resolution.

Separately, the proposed Resolution would require that all Board Members and District leadership staff take a series of training on Special Education rules, regulations, and best practices for providing disability access and inclusivity to understand how to best implement them in OUSD for our disabled students.

Fiscal Impact

The proposed Resolution would rescind the closure, redesign, or relocation of certain Special Education programs that were associated with the reduction of 8 teacher FTE and 8 support staff FTE (which correspond to 10 support staff positions since each position is 0.8 FTE). The proposed Resolution would necessitate restoring those positions next year on an ongoing basis at an estimated cost of \$1.25M. This increased cost would increase the required transfers out from the General Fund, with a net impact of increasing costs by approximately \$1.25M on an ongoing basis.

The proposed Resolution would also prevent the redesign, move, or closure of a Special Education program in such a way that bars a student currently enrolled in the program from the choice of attending that school for each year in which the student is in a grade level served by that school. The estimated cost of this is \$250,000 per year for a mild-moderate or mental health program and \$350,000 per year for an extensive support needs program. Based on current enrollment and the current array of programs impacted, the estimated cost by program at specific schools would be:

- \$1,500,000 for Joaquin Miller's Mild-Mod Program (over six years)
- \$500,000 for United for Success Academy's Mild-Mod Program (over two years)
- \$750,000 for Castlemont's Mental Health Program (over three years)
- \$1,000,000 for Manzanita SEED's Mild-Mod Program (over four years)
- \$1,000,000 for Monterera's Mild-Moderate and Mental Health Programs (over two years each)

This is not an exhaustive list but rather a list of known immediate impacts on specific schools.

Attachment

- Resolution No. 2223-0221 - School Stability and Belonging for Disabled Students in OUSD: Special Education Program Relocation, Redesign and Closure

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

Resolution No. 2223-0221

**School Stability and Belonging for Disabled Students in OUSD: Special Education Program
Relocation, Redesign and Closure**

WHEREAS, disabled students are full members of school communities and must be treated as such;

WHEREAS, disabled students need and deserve school stability and continuity;

WHEREAS, disabled students need and deserve lasting relationships with all members of their school community;

WHEREAS, all members of school communities need and deserve lasting relationships with disabled students;

WHEREAS, building schoolwide accessibility and inclusivity for disabled students requires sustained commitment, collaboration, and planning for the long-term by all members of the school community;

WHEREAS, the Oakland Unified School District serves as its own Special Education Local Plan Area (“SELPA”);

WHEREAS, the placement of Special Education programs in particular schools is the concern of all stakeholders in our SELPA, which is our district;

WHEREAS, disabled students served by specific school and programs have the-right to help shape the decisions that impact their educational experience and belonging and must be consulted before the relocation, redesign, or closure of their Special Education programs,

WHEREAS, the families and caregivers of disabled students served by specific schools and programs have the right to help shape the decisions that impact the educational experience and belonging of their children;

WHEREAS, the loss of a school community and all related community supports can have lasting and traumatic impact on students and families and families the remaining school community.

WHEREAS, the loss of Special Education programs has a negative impact on general education students, families, and staff at school sites;

WHEREAS, all clauses of this resolution apply to the relocation, redesign, or closure of Special Education programs that were planned for the 2023-24 school year; and

WHEREAS, the intent of this Resolution is to bar those relocations, redesigns, or closures from taking effect.

NOW, THEREFORE, BE IT RESOLVED, a Special Education program cannot be moved from a school, redesigned, or closed in such a way that bars students currently enrolled in the program from the choice of attending that school for the entirety of its grade span;

BE IT FURTHER RESOLVED, all Special Education program relocations, redesigns, or closures must be approved by the OUSD Board as part of a noticed agenda item for which public comment has been made available;

BE IT FURTHER RESOLVED, any relocation, redesign, or closure of any Special Education program cannot be made effective for the school year following the one in which the relocation, redesign, or closure was proposed;

BE IT FURTHER RESOLVED, any decision to relocate, redesign, or close a Special Education program must be made before the start of the school enrollment process for the following school year;

BE IT FURTHER RESOLVED, all Special Education program relocation, redesign, or closure must be presented to the OUSD Community Advisory Committee (CAC) for Special Education at least 30 days before they are presented and approved by the Board;

BE IT FURTHER RESOLVED, all Board Members and District leadership staff take a series of training on Special Education rules, regulations, and best practices for providing disability access and inclusivity to understand how to best implement them in OUSD for our disabled students;

BE IT FURTHER RESOLVED, this Resolution does not apply if a Special Education program relocation, redesign, or closure is necessary to address urgent health and safety issues (e.g., when a facility becomes too dangerous for students or staff, when one or more unexpected vacancies prevent the necessary supervision of support of students), provided, however, that (i) such relocation, redesign, or closure be only for the school year in which it arises unless such health and safety issue cannot be otherwise remedied and (ii) impacted students, families, and staff as well as the Board and the CAC are notified immediately of any such program relocation, redesign, or closure; and

BE IT FURTHER RESOLVED, the Superintendent or designee shall bring forward for Board consideration a proposed Board Policy to codify the requirements of this Resolution.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this ____ day of _____, 2023, 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 the Meeting of the Board of Education of the Oakland Unified School District held on _____, 2023.

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OAKLAND UNIFIED SCHOOL DISTRICT

Mike Hutchinson
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

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

Resolution No. 2223-0220

**School Stability and Belonging for Disabled Students in OUSD: Special Education Program
Relocation, Redesign and Closure**

(As Amended)
Red Lined Copy

WHEREAS, disabled students are full members of school communities and must be treated as such;

WHEREAS, disabled students need and deserve school stability and continuity;

WHEREAS, disabled students need and deserve lasting relationships with all members of their school community;

WHEREAS, all members of school communities need and deserve lasting relationships with disabled students;

WHEREAS, building schoolwide accessibility and inclusivity for disabled students requires sustained commitment, collaboration, and planning for the long-term by all members of the school community;

WHEREAS, the Oakland Unified School District serves as its own Special Education Local Plan Area (“SELPA”);

WHEREAS, the placement of Special Education programs in particular schools is the concern of all stakeholders in our SELPA, which is our district;

WHEREAS, disabled students served by specific school and programs have the right to help shape the decisions that impact their educational experience and belonging and must be consulted before the relocation, redesign, or closure of their Special Education programs,

WHEREAS, the families and caregivers of disabled students served by specific schools and programs have the right to help shape the decisions that impact the educational experience and belonging of their children;

WHEREAS, the loss of a school community and all related community supports can have lasting and traumatic impact on students and families and families the remaining school community.

WHEREAS, the loss of Special Education programs has a negative impact on general education students, families, and staff at school sites;

WHEREAS, all clauses of this resolution apply to the relocation, redesign, or closure of Special Education programs that were planned for the 2023-24 school year; and

WHEREAS, the intent of this Resolution is to bar those relocations, redesigns, or closures from taking effect.

NOW, THEREFORE, BE IT RESOLVED, a Special Education program cannot be moved from a school, redesigned, or closed in such a way that bars students currently enrolled in the program from the choice of attending that school for the entirety of its grade span;

BE IT FURTHER RESOLVED, all Special Education program relocations, redesigns, or closures must be approved by the OUSD Board as part of a noticed agenda item for which public comment has been made available;

BE IT FURTHER RESOLVED, any relocation, redesign, or closure of any Special Education program cannot be made effective for the school year following the one in which the relocation, redesign, or closure was proposed;

BE IT FURTHER RESOLVED, any decision to relocate, redesign, or close a Special Education program must be made before the start of the school enrollment process for the following school year;

BE IT FURTHER RESOLVED, all Special Education program relocation, redesign, or closure must be presented to the OUSD Community Advisory Committee (CAC) for Special Education at least 30 days before they are presented and approved by the Board;

BE IT FURTHER RESOLVED, all Board Members and District leadership staff take a series of training on Special Education rules, regulations, and best practices for providing disability access and inclusivity to understand how to best implement them in OUSD for our disabled students;

BE IT FURTHER RESOLVED, this Resolution does not apply if a Special Education program relocation, redesign, or closure is necessary to address urgent health and safety issues (e.g., when a facility becomes too dangerous for students or staff, when one or more unexpected vacancies prevent the necessary supervision of support of students), provided, however, that (i) such relocation, redesign, or closure be only for the school year in which it arises unless such health and safety issue cannot be otherwise remedied and (ii) impacted students, families, and staff as well as the Board and the CAC are notified immediately of any such program relocation, redesign, or closure; **and**

BE IT FURTHER RESOLVED, the Superintendent or designee shall bring forward for Board consideration a proposed Board Policy to codify the requirements of this Resolution;

BE IT FURTHER RESOLVED, the Board can vote to reconsider this Resolution beginning in May 2025 in accordance with the rules of consultation outlined in this Resolution as well as the current Board enrollment policy which establishes that Special Education seats must be allocated prior to the school enrollment window opening;

BE IT FURTHER RESOLVED, the allocation and placement of Special Education seats must be the first consideration in any school redesign process undertaken by the District and must happen in consultation and collaboration with the stakeholders named in this Resolution; and

BE IT FURTHER RESOLVED, the cost of this Resolution for 2023-24 shall be covered by one-time funds to the extent that one-time funds are available and to the extent that it is appropriate to use such funds for this purpose.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this ____ day of _____, 2023, 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 the Meeting of the Board of Education of the Oakland Unified School District held on _____, 2023.

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OAKLAND UNIFIED SCHOOL DISTRICT

Mike Hutchinson
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

NOT ADOPTED

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

Resolution No. 2223-0220

**School Stability and Belonging for Disabled Students in OUSD: Special Education Program
Relocation, Redesign and Closure**

(As Amended)

WHEREAS, disabled students are full members of school communities and must be treated as such;

WHEREAS, disabled students need and deserve school stability and continuity;

WHEREAS, disabled students need and deserve lasting relationships with all members of their school community;

WHEREAS, all members of school communities need and deserve lasting relationships with disabled students;

WHEREAS, building schoolwide accessibility and inclusivity for disabled students requires sustained commitment, collaboration, and planning for the long-term by all members of the school community;

WHEREAS, the Oakland Unified School District serves as its own Special Education Local Plan Area (“SELPA”);

WHEREAS, the placement of Special Education programs in particular schools is the concern of all stakeholders in our SELPA, which is our district;

WHEREAS, disabled students served by specific school and programs have the-right to help shape the decisions that impact their educational experience and belonging and must be consulted before the relocation, redesign, or closure of their Special Education programs,

WHEREAS, the families and caregivers of disabled students served by specific schools and programs have the right to help shape the decisions that impact the educational experience and belonging of their children;

WHEREAS, the loss of a school community and all related community supports can have lasting and traumatic impact on students and families and families the remaining school community.

WHEREAS, the loss of Special Education programs has a negative impact on general education students, families, and staff at school sites;

WHEREAS, all clauses of this resolution apply to the relocation, redesign, or closure of Special Education programs that were planned for the 2023-24 school year; and

WHEREAS, the intent of this Resolution is to bar those relocations, redesigns, or closures from taking effect.

NOW, THEREFORE, BE IT RESOLVED, a Special Education program cannot be moved from a school, redesigned, or closed in such a way that bars students currently enrolled in the program from the choice of attending that school for the entirety of its grade span;

BE IT FURTHER RESOLVED, all Special Education program relocations, redesigns, or closures must be approved by the OUSD Board as part of a noticed agenda item for which public comment has been made available;

BE IT FURTHER RESOLVED, any relocation, redesign, or closure of any Special Education program cannot be made effective for the school year following the one in which the relocation, redesign, or closure was proposed;

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BE IT FURTHER RESOLVED, the Superintendent or designee shall bring forward for Board consideration a proposed Board Policy to codify the requirements of this Resolution;

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BE IT FURTHER RESOLVED, the allocation and placement of Special Education seats must be the first consideration in any school redesign process undertaken by the District and must happen in consultation and collaboration with the stakeholders named in this Resolution; and

BE IT FURTHER RESOLVED, the cost of this Resolution for 2023-24 shall be covered by one-time funds to the extent that one-time funds are available and to the extent that it is appropriate to use such funds for this purpose.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this ____ day of _____, 2023, by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Jennifer Brouhard, VanCedric Williams, Valarie Bachelor

NOES: Benjamin "Sam" Davis, Vice President Clifford Thompson, President Mike Hutchinson

ABSTAINED: None

RECUSED: None

ABSENT: Natalie Gallegos Chavez (Student Director), Linh Le (Student Director), (Vacancy)

CERTIFICATION

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