

## OFFICE OF THE BOARD OF EDUCATION

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**OAKLAND UNIFIED  
SCHOOL DISTRICT**

Community Schools, Thriving Students

### BOARD OF EDUCATION 2017

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March 22, 2017


To: Board of Education

From: James Harris

Legislative File No.: 17-0553

Introduction Date: 03/22/17

Enactment Date: 17-0381

Enactment No.: 03/22/2017 

Subject: Resolution – Amendment - Creating the Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission and Establishing Other Provisions Therefor

#### ACTION REQUESTED

Adoption by the Board of Education of Resolution No. 1617-0119A - Amendment - Creating the Measure G1 - Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission and Establishing Other Provisions Therefor, changing date Board shall make the initial appointments to the five (5) member Commission from April 28, 2017 (last Regular Meeting in April, 2017) to April 12, 2017 (first Regular Meeting in April, 2017), with a Commissioner term effective date of April 16, 2017.

#### BACKGROUND/DISCUSSION

The Board of Education on January 25, 2017, adopted Resolution No. 1617-0119 (Legislative File No. 17-0127 Enactment No. 17-0155) – Creating the Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission and Establishing Other Provisions Therefor.

The Second Resolve Clause of said Resolution, provided for the Board to ratify the initial appointments by the President to the Commission at the last Regular Board Meeting in April, 2017 (or at such other meeting the Board may determine)

In order for the Commission to align its mandate with the 2017-2018 Academic Year, the Board is being requested, by staff, to advance the appointment date of initial Commission members from April 28, 2017 (last Regular Meeting in April, 2017) to April 12, 2017 (first Regular Meeting in April, 2017), with member appointment terms commencing April 16, 2017, with all other terms and conditions of Resolution No. 1617-0119 remaining in full force and effect.

**RECOMMENDATION**

Adoption by the Board of Education of Resolution No. 1617-0119A - Amendment - Creating the Measure G1 - Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission and Establishing Other Provisions Therefor, changing date Board shall make the initial appointments to the five (5) member Commission from April 28, 2017 (last Regular Meeting in April, 2017) to April 12, 2017 (first Regular Meeting in April, 2017), with a Commissioner term effective date of April 16, 2017.

Attachment: Resolution No. 1617-0119A

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

**Resolution No. 1617-0119A**

**Amendment - Creating the Measure G1 – Districtwide Teacher Retention and  
Middle School Improvement Act Oversight Commission and Establishing  
Other Provisions Therefor**

**WHEREAS, the Board of Education on January 25, 2017, adopted Resolution No. 1617-0119 (Legislative File No. 17-0127, Enactment No. 17-0155) – Creating the Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission and Establishing Other Provisions Therefor,**

**WHEREAS, the second Resolve Clause of said adopted Resolution, provided for the Board to ratify initial appointment to the Commission at the last Regular Board Meeting in April, 2017 (or at such other meeting the Board may determine),**

**NOW, THEREFORE, BE IT RESOLVED,** the Board of Education, hereby determines that initial appointments to the five member Commission shall be made at the April 12, 2017 Regular Meeting of the Board, with staggered terms, as delineated in the appointment Resolution, effective April 16, 2017.

**BE IT FURTHER RESOLVED,** that all other terms and conditions of Resolution No. 1617-0119 remain in full force and effect.

PASSED AND ADOPTED this 22nd day of March, 2017 by the following vote:

AYES: Roseann Torres, Aimee Eng, Shanthi Gonzales, Jody London, Jumoke Hinton Hodge,  
Vice President Nina Senn, President James Harris

NOES: None

ABSTAIN: None

ABSENT: None

APPROVED:



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James Harris  
President of the Board of Education  
Oakland Unified School District

Attest:



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Devin Dillon, Ph.D.  
Secretary, Board of Education of the  
Oakland Unified School District

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**Shanthi Gonzales**, District 6  
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January 25, 2017

To: Board of Education

From: James Harris

File ID Number: 17-0127  
Introduction Date: 1/25/17  
Enactment Number: 17-0155  
Enactment Date: 1/25/17  
By: [Signature]

Subject: Resolution – Creating the Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission and Establishing Other Provisions Therefor

### ACTION REQUESTED

Approval by the Board of Education of Resolution No. 1617-0119 - Creating the Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission (hereinafter Commission) and Establishing Other Provisions Therefor.

### BACKGROUND/DISCUSSION

Two-thirds of the qualified electors of the District (City of Oakland) voting in the November 8, 2016 General Election enacted the proposition known and referred to as the "Oakland Unified School District Districtwide Teacher Retention and Middle School Improvement Act," (hereinafter, the "Act", or "Measure G1,") a qualified special tax on each parcel of taxable real property in the District, except for qualified low-income and senior citizen taxpayers, for \$120 per parcel for twelve (12) years, commencing July 1, 2017.

The Act requires the Board to establish an Oversight Commission composed of five persons, giving preference of membership to persons with knowledge and expertise as specified, to oversee expenditure of the Measure G1 taxes. .

### RECOMMENDATION

Approval by the Board of Education of Resolution No. 1617-0119 - Creating the Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission and Establishing Other Provisions Therefor.

Attachment: Resolution No. 1617-0119

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

**Resolution No. 1617-0119**

**Creating the Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission and Establishing Other Provisions Therefor**

**WHEREAS**, two-thirds of the qualified electors of the District (City of Oakland) voting in the November 8, 2016 General Election enacted the proposition known and referred to as the "Oakland Unified School District Districtwide Teacher Retention and Middle School Improvement Act or as "Measure G1", a qualified special tax on each parcel of taxable real-property in the District, in the maximum amount of \$120 per parcel for twelve (12) years commencing July 1, 2017,

**WHEREAS**, Measure G1 exempts qualified low-income and senior citizen taxpayers as specified in the Act,

**WHEREAS**, Measure G1 provides a districtwide educator salary increase designed to attract/retain teachers; provide enhanced middle school art, music, languages/other programs in addition to core educational programs; improve academic achievement; provide safe, positive schools, and prepare students for college/careers;

**WHEREAS**, Measure G1 requires the Board of Education (the "Board") to establish the Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission,

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Education, pursuant to accountability and other provisions of Measure G1, hereby establishes the Measure G1 - Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission (hereinafter, the "Commission"), effective February 16, 2017, comprised of five (5) persons to be selected, pursuant to the Board Bylaw 9131, giving preference 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; and

**BE IT FURTHER RESOLVED**, that said qualified members of the Commission shall be appointed pursuant to Board Bylaw 9131, and the initial application period shall open February 16, 2017, and close March 15, 2017 (unless the Board shall extend the application period beyond such date), and initial appointments shall be ratified by the

Board of Education at the last Regular Board Meeting in April, 2017 (or at such other meeting as the Board may determine); and

**BE IT FURTHER RESOLVED,** that the 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; and

**BE IT FURTHER RESOLVED,** that the Superintendent of Schools or his or her designee shall provide for the staffing of the Commission pursuant to Board Bylaw 9131 and the cost of said staffing, if any, may be charged to Measure G1 in an amount not to exceed 1% of the total revenues generated thereby; and

**BE IT FURTHER RESOLVED,** that all other provisions of Board Bylaw 9131, not inconsistent with the provisions of the Act or of this Resolution, shall be applicable to the Commission; and

**BE IT FURTHER RESOLVED,** that all provisions herein regarding the Commission also shall be and hereby are codified as an amendment (Attachment Exhibit "A") to Board Bylaw 9131.

PASSED AND ADOPTED this 25<sup>th</sup> day of January, 2017 by the following vote:

AYES: Roseann Torres, Aimee Eng, Shanthi Gonzales, Jody London, Jumoke Hinton Hodge,  
Vice President Nina Senn, President James Harris

NOES: None

ABSTAIN: None

ABSENT: None

APPROVED:



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James Harris  
President of the Board of Education  
Oakland Unified School District

Attest:



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Antwan Wilson  
Secretary, Board of Education of the  
Oakland Unified School District

Attachment: Exhibit "A"



# Exhibit "A"

## OAKLAND UNIFIED SCHOOL DISTRICT Board Bylaw

### BB 9131

#### Advisory and Oversight Committees, Commission

##### Section 1 General Guidelines

###### Purposes

1.4.1 The Board shall establish advisory or oversight committees or commissions 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. These committees or commissions are advisory to the Board of Education; the Board of Education retains final authority.

1.4.2 All meetings of Advisory and Oversight Committees or Commissions are open to the public and shall have designated times for public comment.

###### Appointment, Term of Membership, and Attendance

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

1.2.2 Information regarding openings for each advisory committee, oversight committee or commission, the mission, and anticipated number of meetings for each body and applications for each body shall be available from the Office of the Board of Education and the OUSD website.

1.2.3 Information regarding the mandate, membership, and meeting schedule for each body shall be available from the Office of the Board of Education and the OUSD website.

1.2.4 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.

1.2.5 Unless otherwise specified, the term of a member, shall be for a two-year period. Fifty percent of the members are to be appointed each year. In instances where all committee members are appointed

simultaneously, the minority of members shall be appointed to one-year terms, and the majority of members shall be appointed to two-year terms.

1.2.6 Terms of members shall be limited to a total of six years or three full terms. Members are eligible for re-appointment after one year off the committee, commission.

1.2.7 Committees, Commissions unless otherwise specified, shall expire on June 30<sup>th</sup> of the academic year in which formed unless extended by the Board. Committees, Commissions shall be in recess during the month of July.

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

### Size and Composition

1.3.1 Committees, Commissions unless otherwise specified, shall be limited to seven members. Individuals interested in serving on an advisory committee, commission shall submit an application and any supporting documents such as a resume. 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 committee shall be forwarded to the Board of Education for ratification.

1.3.2 The composition of committees, commissions shall be representative of the following, unless otherwise specified 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

1.4.3 The specific function of the committee, commission shall be determined by the Board resolution establishing the committee.

1.4.4 Each committee, commission shall elect a chairperson, vice-chairperson, and secretary.

1.4.5 Written minutes shall be kept of all meetings held and shall record attendance and recommendations made. Copies of un-adopted minutes shall be forwarded to the Board and to the Superintendent within ten days after each meeting. Adopted minutes shall be made available to the public by posting on the OUSD website.

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

1.4.7 The quorum for each meeting shall be fifty percent + one of the membership.

1.4.8 There shall be no proxy votes.

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

1.4.10 Committee, 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 Advisory and Oversight committee, commission. The Board Liaison shall attend and observe all committee, commission meetings, and provide consultative support to the committee, commission chairperson.

#### Support Services

The Superintendent shall designate a Chief (senior management) to serve as the coordinator to each committee, commission and said liaison shall be responsible for providing support services as needed. A staff person designated by the Superintendent shall support all committees, commissions on behalf of the Superintendent. The Superintendent shall publicize the availability of vacancies on advisory, oversight committees, commissions. The Superintendent shall inform the public of the appointment of members of advisory, oversight committees, commission made by the Board.

#### District Impact

To the extent possible, the liaison to each committee, commission shall provide a District Impact Statement on behalf of the Superintendent providing an analysis of the financial and programmatic impact of recommendations made by committees, commissions.

### 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**

Advisory or oversight committees, commissions that are 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 an advisory or oversight committee, commission ends, the Board shall determine if or in what form the committee, commission, consistent with law, shall continue to function.

Mandated committees, commissions include the Citizens' Bond Oversight Committee and the Measure G Parcel Tax Oversight Committee, and the Measure N – College and Career Readiness Commission.

### Measures A, B, and J Citizens Bond Oversight Committee

**Date created:** February 27, 2013; Resolution No. 1213-0103

**Purpose:** 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.

**Number of members:** Nine (9)

**Special selection process:** Pursuant to Proposition 39 (2000), the Committee shall have at least nine members and 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.

#### **Qualification Standards:**

- (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

**Ethics:** Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and Bylaw of the Board 9270.

#### **Measure G Parcel Tax Oversight Committee**

**Date created:** August 27, 2008 Resolution No. 0809-0043

**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 31<sup>st</sup> 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<sup>th</sup> 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 consist of seven (7) members, and 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 & Career Readiness Commission

Date Created: December 10, 2014; Effective February 1, 2015

Purpose: The Measure N College & 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.

Membership/Qualifications: The College & Career Readiness Commission shall be comprised of five (5) 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; 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.

**Membership/Qualifications:** The Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission shall be comprised of five (5) persons, giving preference 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 other advisory committees include the Audit Committee. The Audit Committee is maintained at the recommendation of the Financial Crisis Management and Assistance Team as a best practice for highly functioning school districts.

#### **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 staff district 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 shall provide written guidance to the Audit Committee on an annual basis regarding those areas on which the Audit Committee should focus.

**Number of members:** Five (5): At least three members shall possess expertise in internal and/or external audits, and/or management of a public school system.

**Selection procedure:** Community members shall apply consistent with the procedures outlined above.

#### **Section 4      Task Forces of Limited Duration**



4.1 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 advisory and oversight Committee, Commission members in carrying out their responsibilities. Not all ethical issues that Committee, Commission members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee 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. Committee, Commission members are expected to strictly adhere to the provisions of this Ethics Policy.

## **POLICY**

**CONFLICT OF INTEREST.** A Committee, Commission 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, project which will benefit the committee, commission member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.

**OUTSIDE EMPLOYMENT.** A Committee, Commission 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 Committee, Commission 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 the Committee, Commission, a former Committee, Commission member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee, Commission member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, Commission, a former Committee, Commission 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 Committee, Commission 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 Committee, Commission member shall place the interests of the District above any personal or business interest of the member.

3/27/13; 11/19/14A