

**MEASURES N AND H – COLLEGE AND CAREER READINESS COMMISSION**

1016 Union Street, #940  
Oakland, CA 94607



**OAKLAND UNIFIED  
SCHOOL DISTRICT**

Community Schools, Thriving Students

**Measures N and H –**

**College & Career Readiness Commission**

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# Memo

**To** Measures N and H – College and Career Readiness Commission

**From** Vanessa Sifuentes, High School Network Superintendent

**Board Meeting Date** \_\_\_\_\_

**Subject** Memorandum of Understanding  
Contractor: Oakland School for the Arts  
Services for: High School Linked Learning Office

**Action Requested and Recommendation** Approval by Measures N and H – College and Career Readiness Commission of a Measures N and H Memorandum of Understanding between District and Oakland School for the Arts for Fiscal Year 2023-2024, to ensure that revenues from the 2014 College and Career Readiness for All Act (“Measure N”) and revenues from the 2022 College and Career Readiness for All Act (“Measure H”, together with Measure N, “Measures”) are spent in strict accordance with the Measures and is also an oversight and operational agreement that outlines and defines the Parties’ respective operational and reporting responsibilities for the Measures, in a cumulative amount not to exceed \$257,038.12.

**Background**

*(Why do we need these services? Why have you selected this vendor?)*

The Charter School shall be entitled to receive reimbursement for Measure N funds expended, in an amount not to exceed \$850.00 for each Oakland resident in the 9th-12th grade enrolled in the Charter School, for a total amount not to exceed \$120,700.00.

The Charter School shall be entitled to receive reimbursement for Measure N Strategic Carryover funds expended, for a total amount not to exceed \$15,638.12.

The Charter School shall be entitled to receive reimbursement for Measure H funds expended, in an amount not to exceed \$850.00 for each Oakland resident in the 9th-12th grade enrolled in the Charter School, for a total amount not to exceed \$120,700.00.

The Charter School shall not receive reimbursement from either Measure, as set forth in Subsections 4.1, 4.2, and 4.3, unless the Charter School has first met all of the following requirements:

- a. The Charter School has submitted a Measure N/H Education Improvement Plan and budget to OUSD, and received approval from the Commission and the Board for the Charter School's Measure N/H Education Improvement Plan and budget.
- b. The Charter School commits to developing a College and Career Pathway structure within the Charter School. OUSD shall, at its sole discretion, determine whether the Charter School has made such a commitment.
- c. The Charter School commits to making strategic investments in each of OUSD's 3 domains of Linked Learning: Integrated Program of Study, Work Based Learning, and Integrated Student Supports. OUSD shall, at its sole discretion, determine whether the Charter School has made such a commitment.
- d. The Charter School commits to using revenue received from the Measures solely for (i) purposes permitted under each Measure and (ii) consistent with the Charter School's petition.
- e. The Charter School commits to identifying specific goals to decrease academic outcome disparities for academically low-achieving students.

**Competitively Bid**

Was this contract competitively bid? No

If no, exception: N/A

**Fiscal Impact**

Funding resource(s): Measure N  
Measure H

**Attachments**

- Memorandum of Understanding
- Schedule A, Measures N and H Charter School Reporting and Monitoring Activity
- Exhibit A, I. Measure Text, II. Full Text of the Measure (Measure N)
- Exhibit A-I, Abbreviation of the Measure, Exhibit A-II, Full Text of the Measure (Measure H)

## **Measures N and H Memorandum of Understanding Between Oakland Unified School District and Oakland School for the Arts**

### **1. PURPOSE OF MEMORANDUM OF UNDERSTANDING**

- 1.1. The Oakland Unified School District (“OUSD” or “District”) and Oakland School for the Arts (“Charter School”, together with OUSD, “Parties”) enter into this Measures N and H Memorandum of Understanding (“MOU”) to ensure that revenues from the 2014 College and Career Readiness for All Act (“Measure N”) and the revenues from the 2022 College and Career Readiness for All Act (“Measure H”, together with Measure N, “Measures”) are spent in strict accordance with the Measures.
- 1.2. This MOU outlines and defines the Parties’ respective operational and reporting responsibilities for the Measures.
- 1.3. This MOU is aligned with Measures N and H.
- 1.4. By approving the Charter School’s Measure N/H Education Improvement Plan, OUSD will perform certain oversight activities regarding the Charter School’s expenditures of the Measures and the Charter School’s adherence to the Measures. However, the Charter School is solely responsible to ensure that expenditures are correct and consistent with the Measures.
- 1.5. OUSD and the Charter School recognize that not all requirements governing charter-charter authorizer relations, reporting, and oversight are memorialized herein, and therefore, the Parties agree that, in addition to any rights and obligations set forth herein, they are bound by and will comply with the law, including but not limited to, Education Code, and all other applicable statutes, rules, and regulations in addressing any matters not specifically addressed in this MOU.

### **2. TERM OF THE MEMORANDUM OF UNDERSTANDING**

- 2.1. This MOU shall commence on July 1, 2023 and shall stay in effect until June 30, 2024, unless terminated earlier by OUSD. OUSD may terminate this MOU, without cause, upon 30 days written notice to the Charter School.
- 2.2. Notwithstanding Subsection 2.1, this MOU will automatically terminate upon revocation or non-renewal of the Charter School’s petition and/or by the closure of the Charter School. In such instances, the Charter School shall no longer be eligible to receive funds from the Measures.

### 3. REQUIRED DOCUMENTATION

- 3.1. The Charter School shall provide OUSD with the up-to-date versions of any documents requested by OUSD, including (but not limited to) the documents listed and described in Schedule A, attached and incorporated herein by reference, on or before the due dates specified by OUSD.
- 3.2. The Charter School shall promptly respond to all reasonable inquiries by OUSD and/or the Measures N and H - College and Career Readiness Commission ("Commission"), their respective designees or agents, and/or any other authorized agency.
- 3.3. The Charter School shall maintain all documentation that demonstrates the permissible nature of expenditures funded by the Measures.

### 4. FUNDING

- 4.1. The Charter School shall be entitled to receive reimbursement for Measure N funds expended, in an amount not to exceed \$850.00 for each Oakland resident in the 9th-12th grade enrolled in the Charter School, for a total amount not to exceed \$120,700.00.
- 4.2. The Charter School shall be entitled to receive reimbursement for Measure N Strategic Carryover funds expended, for a total amount not to exceed \$15,638.12.
- 4.3. The Charter School shall be entitled to receive reimbursement for Measure H funds expended, in an amount not to exceed \$850.00 for each Oakland resident in the 9th-12th grade enrolled in the Charter School, for a total amount not to exceed \$120,700.00.
- 4.4. The Charter School shall not receive reimbursement from either Measure, as set forth in Subsections 4.1, 4.2, and 4.3, unless the Charter School has first met all of the following requirements:
  - (a) The Charter School has submitted a Measure N/H Education Improvement Plan and budget to OUSD, and received approval from the Commission and the Board for the Charter School's Measure N/H Education Improvement Plan and budget.
  - (b) The Charter School commits to developing a College and Career Pathway structure within the Charter School. OUSD shall, at its sole discretion, determine whether the Charter School has made such a commitment.
  - (c) The Charter School commits to making strategic investments in each of OUSD's 3 domains of Linked Learning: Integrated Program of Study, Work Based Learning,

and Integrated Student Supports. OUSD shall, at its sole discretion, determine whether the Charter School has made such a commitment.

- (d) The Charter School commits to using revenue received from the Measures solely for (i) purposes permitted under each Measure and (ii) consistent with the Charter School's petition.
- (e) The Charter School commits to identifying specific goals to decrease academic outcome disparities for academically low-achieving students.

4.5. If eligible pursuant to Subsection 4.4, OUSD will only reimburse the Charter School's approved expenditures under the Measures on a quarterly basis, in accordance with the timeframes set forth in Schedule A, conditional upon all the following:

- (a) OUSD possesses Measure N funds and such funds are available to be used for reimbursement;
- (b) OUSD possesses Measure H funds and such funds are available to be used for reimbursement;
- (c) The expenditures sought for reimbursement have been expended in compliance with the Measures;
- (d) The Charter School is in compliance with this MOU; and,
- (e) There are no outstanding findings of unauthorized expenditures by the Charter School for 2021-22 or 2022-23 as determined by OUSD in its sole discretion.

The Charter School understands that in the event that such funds are not received in a timely manner by the District due to external delays (e.g., at the County level), such funds shall be provided to the Charter School as soon as practicable after such funds are made available to OUSD.

4.6. In addition to the conditions set forth in this MOU and in Subsection 4.5 in particular, the Charter School shall use all revenue from the Measures it is provided by OUSD or from reimbursements it is provided by OUSD only for expenditures consistent with (i) the Measures, (ii) the applicable Measure N/H Education Improvement Plan, (iii) the "Measure N and H Permissible Expenditures" document, and (iv) this MOU. The Charter School is solely and individually responsible for ensuring that its expenditures are made consistent with this Section.

## 5. QUARTERLY FINANCIAL REPORTING

- 5.1. The Charter School shall not commingle the funds it receives from Measure N and Measure H, shall treat the funds it receives from Measure N and Measure H as separate restricted funding sources, and shall use a chart of accounts to reflect the restricted nature of this funding.
- 5.2. The Charter School shall provide OUSD with the documents listed and described in Schedule A on or before the designated due date.
- 5.3. The Charter School shall allow a minimum of 2 weeks, but no more than 6 weeks, for OUSD to review the Charter School's submitted quarterly financial report, along with supporting documentation, and to raise reasonable questions or concerns with the Charter School before reimbursement is issued.

## 6. ANNUAL AUDITS

- 6.1. The Charter School shall require that its annual independent internal audit include audits, pursuant to generally accepted accounting practices, ensuring that Measure N and Measure H receipts and expenditures are within the permissible uses as set forth in this MOU, particularly Section 4.
- 6.2. As specified in Schedule A, the Charter School shall submit its annual independent financial audits to OUSD.
- 6.3. The Charter School shall fulfill all requests made by auditors completing the annual audits requested by this Section.

## 7. MONITORING AND OVERSIGHT

- 7.1. An infraction of this MOU is one of the following actions:
  - (a) missing a deadline for providing full documentation (as outlined in Schedule A) by more than 2 weeks,
  - (b) not attending two Community of Practice meetings or other mandatory meetings over the course of one fiscal year, or
  - (c) not responding to a reasonable inquiry from OUSD (as outlined in Subsection 3.2) within 2 weeks of OUSD making such a request.

If OUSD determines, at its sole discretion, that the Charter School has committed two infractions during the term of this MOU, the Charter School will receive a Notice of Concern from OUSD. If the Charter School commits a third infraction within the term of this MOU and/or does not respond to the Notice of Concern in the

timeframe outlined therein, OUSD reserves the right to void the next quarterly reimbursement of funds from the Measures, in which case those funds would be transferred to the Measure N or Measure H Contingency Funds, as applicable.

- 7.2. In the event the Charter School is unable to complete a quarterly reporting request and/or audit request and is delinquent in providing documentation of the same (as outlined in Schedule A) by 4 weeks or more, OUSD reserves the right to withhold the next quarterly reimbursement of funds from the Measures until the latter of: (i) the next quarter or (ii) until the outstanding documentation has been provided to OUSD and OUSD has, in its sole discretion, deemed it to be satisfactory. If, at the end of the term of this MOU, the Charter School still has not provided the outstanding documentation or the Charter School has provided it but OUSD has, in its sole discretion, not deemed it to be satisfactory, then the Charter School will not be eligible for that quarterly reimbursement, in which case those funds would be transferred to the Measure N or Measure H Contingency Funds, as applicable.
- 7.3. In the event an audit finding is made, the funds from the applicable Measure from the current year and/or subsequent year will be reduced, as necessary, to implement financial corrective action.

## 8. CHARTER SCHOOL CLOSURE

In the event that the Charter School's petition is revoked, non-renewed, voided, or otherwise ceases to exist for any reason, the Charter School closes, or the Charter School no longer receives funds from the Measures, any such funds that were not expended by the Charter School shall be returned to OUSD and moved to the applicable Measure N or Measure H Contingency Fund.

## 9. INDEMNIFICATION

The Charter School shall promptly defend, indemnify, and hold harmless OUSD, its officers, directors, employees, agents, representatives, volunteers, administrators, successors, and assigns from and against any and all alleged or actual breach of any obligation imposed under this MOU, including but not limited to any issue arising from a non-permissible funding expenditure by the Charter School, or any other actual or alleged breach of any duty or obligation owed to OUSD or any third party by the Charter School or its officers, directors, employees, agents, representatives, volunteers, guests, students, administrators or trustees, successors or assigns.

## 10. ADDITIONAL PROVISIONS

- 10.1. This MOU shall be deemed to be performed in Oakland, California and is governed by the laws of the State of California, but without resort to California's principles and

laws regarding conflict of laws. The Alameda County Superior Court shall have jurisdiction over any litigation initiated to enforce or interpret this MOU.


- 10.2. Any recitals and exhibits attached to this MOU are incorporated herein by reference.
- 10.3. This MOU constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This MOU may be amended or modified only by a written instrument executed by both Parties.
- 10.4. If any term, condition, or provision of this MOU is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.
- 10.5. Each and every provision of law and clause required by law to be inserted in this MOU shall be deemed to be inserted herein and this MOU shall be read and enforced as though it were included therein.
- 10.6. This MOU, and all amendments, addenda, and supplements to this MOU, may be executed in one or more counterparts, all of which shall constitute one and the same amendment. Any counterpart may be executed and delivered by facsimile or other electronic signature (including portable document format) by either Party and, notwithstanding any statute or regulations to the contrary (including, but not limited to, Government Code section 16.5 and the regulations promulgated therefrom), the counterpart shall legally bind the signing Party and the receiving Party may rely on the receipt of such document so executed and delivered electronically or by facsimile as if the original had been received. Through its execution of this MOU, each Party waives the requirements and constraints on electronic signatures found in statute and regulations including, but not limited to, Government Code section 16.5 and the regulations promulgated therefrom.
- 10.7. The Parties acknowledge that this MOU, its contents, and all incorporated documents are public documents and will be made available by OUSD to the public online via the Internet.
- 10.8. OUSD shall not be bound by the terms of this MOU unless and until it has been formally and properly approved by OUSD's Governing Board, and no payment or reimbursement shall be owed or made to the Charter School absent such formal approval or valid and proper execution.

**REST OF PAGE INTENTIONALLY LEFT BLANK**



IN WITNESS WHEREOF, the Parties hereto agree and execute this MOU and to be bound by its terms and conditions:

**CHARTER SCHOOL**

Name: Mike Oz Signature: 


Position: Executive Director Date: 5/22/23

**OUSD**

Name: Mike Hutchinson Signature: 

Position: Board President Date: 6/22/2023

- Board President
- Superintendent
- Chief/Deputy Chief/Executive Director

Name: Kyla Johnson-Trammell Signature: 

Position: Secretary, Board of Education Date: 6/22/2023

**SCHEDULE A:  
MEASURES N AND H CHARTER SCHOOL REPORTING AND MONITORING ACTIVITY**

All information and documents listed below are to be provided by the Charter School to OUSD by the date shown, unless another date is specified in writing by OUSD. Annual updates are required by the dates noted on the schedule.

<b>Item</b>	<b>Description</b>	<b>Due Date</b>
2023-24 Charter School Unaudited Actuals Quarterly Expenditure Reports	Report on Measure N and H expenditures per quarter	Quarter 1: October 31, 2023 Quarter 2: January 31, 2024 Quarter 3: April 30, 2024 Quarter 4: June 28, 2024
Supporting Documentation for Charter School Unaudited Actuals Quarterly Expenditure Reports	Please refer to supporting documentation indicated in the 2023-24 Measures N and H Permissible Expenses	Quarter 1: October 31, 2023 Quarter 2: January 31, 2024 Quarter 3: April 30, 2024 Quarter 4: June 28, 2024
2022-23 Charter School Independent Financial Audit	Submission of Independent Auditor's Report	Within 30 days of the audit being complete
Proposed 2024-25 Budget	Budget for projected Measure N (if applicable) and Measure H allocations for 2024-25; completed using template provided by OUSD, with additional information as determined by OUSD	Estimated March - April 2024*  <i>*Specific date to be determined by OUSD</i>
2023-24 Charter Management Organization Meeting Attendance	CMO leader or designee must attend quarterly meetings	Dates to be determined by OUSD and OUSD will provide at least a 7-day notice prior to any change in the meeting schedule
2023-24 Charter Community of Practice Meeting Attendance	At least one member of each Charter School must attend monthly meetings	Dates to be determined by OUSD and OUSD will provide at least a 7-day notice prior to any change in the meeting schedule

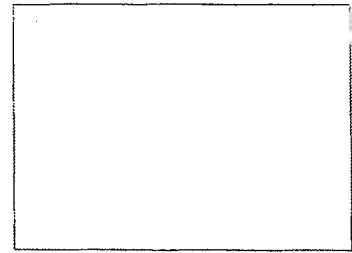
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## BALLOT MEASURE SUBMITTAL FORM



BALLOT MEASURE QUESTION	
Jurisdiction Name: <b>Oakland Unified School District</b>	Election Date: <b>November 4, 2014</b>
<p>Note: The information as it appears within the measure question text box will be printed on the ballot.</p> <p>Insert ballot question text here:</p> <p>To reduce the drop-out rate and provide Oakland high school students with real-world work and learning opportunities; prepare students for admission to the University of California and other four-year colleges, expand mentoring, tutoring, counseling, support services, and transition to job training programs; shall the Oakland Unified School District levy a \$120 parcel tax for ten years, with low income and senior exemptions, no money for Sacramento, and all money benefitting Oakland students?</p> <p>(69 words)</p>	
TYPE OF MEASURE	
<input checked="" type="checkbox"/> Regular Measure <input type="checkbox"/> Bond Measure	
PERCENTAGE NEEDED TO PASS	
66 2/3 %	
FULL TEXT OPTION	
Full Text to be printed in the Voter Information Pamphlet:	
<input checked="" type="checkbox"/> YES (note: must submit separate copy of Full Text along with this form)	
<input type="checkbox"/> NO - A Full Text was not submitted	
<input type="checkbox"/> NO - Do not print, but it's accessible at: _____	
AUTHORIZED REPRESENTATIVE	
Print Name: <b>Edgar Rakestraw, Jr.</b>	Date: <b>7/1/14</b>
Signature: 	
CONTACT INFORMATION (for office use)	CONTACT INFORMATION (for public)
Phone #: 	Phone #: <b>510/879-8199</b>
E-Mail: 	E-Mail/Website: <b>Edgar Rakestraw@ousd.k12.ca.us</b>

**EXHIBIT A**  
**MEASURE TEXT**

**I. ABBREVIATION OF THE MEASURE**

*[This summarizes, in 75 words or less,  
the full text of the proposition which appears below.]*

To reduce the drop-out rate and provide Oakland high school students with real-world work and learning opportunities; prepare students for admission to the University of California and other four-year colleges; expand mentoring, tutoring, counseling, support services, and transition to job training programs; shall the Oakland Unified School District levy a \$120 parcel tax for ten years, with low income and senior exemptions, no money for Sacramento, and all money benefitting Oakland students?

*(69 words)*

## II. FULL TEXT OF THE MEASURE

**BEGINNING OF FULL TEXT OF MEASURE----->>>>>**

### OAKLAND UNIFIED SCHOOL DISTRICT COLLEGE AND CAREER READINESS FOR ALL ACT

This Proposition may be known and referred to as the “Oakland Unified School District College and Career Readiness for All Act” or as “Measure \_\_\_\_”. *[designation to be assigned by County Registrar of Voters]*

#### FINDINGS

The Oakland Unified School District (the “District”) is determined to provide excellent educational programs to all its students, including academic courses in English, math, science, and other core programs that allow them to qualify for admission to the University of California and State University systems.

Improving student access to college preparatory classes, career-based learning opportunities, and support programs for students transitioning to high school and college are essential elements of the District’s initiative to deliver educational excellence.

Educational excellence also requires counseling, tutoring, mentoring and other intensive support services to reduce the drop-out rate and help students struggling to graduate from high school.

Students who do not attend college should be prepared for the transition to work by career education programs that offer practical experience leading to apprenticeships, job training, and well-paying jobs in a competitive job market.

Funding from the State of California (the “State”) has not been adequate to meet these goals, and the District has no assurance that State funding will permit the District to meet these goals in the future.

Funding from the Federal Government is insufficient to meet these goals, and the District has no assurance that Federal funding will permit the District to meet these goals in the future.

#### TERMS AND SUNSET

Upon approval of two thirds of those voting on this Oakland Unified School District College and Career Readiness for All Act, the Board of Education of the District shall be authorized to levy a qualified special tax on each parcel of taxable real property in the District, in the maximum annual amount of \$120 for ten years, commencing July 1, 2015.

## PURPOSE

The Oakland College & Career Readiness For All Fund is established to pay for the implementation of a comprehensive approach to high school education in Oakland that integrates challenging academics with career-based learning and real-world work experiences. This comprehensive approach creates small learning communities of career-oriented pathways, and offers intensive, individualized support to create the conditions for all students to graduate high school prepared to succeed in college and career.

## GOALS

- Decrease the high school drop-out rate.
- Increase the high school graduation rate.
- Increase high school students' readiness to succeed in college and career.
- Increase middle school students' successful transition to high school.
- Reduce disparities in student achievement and student access to career pathways based on race, ethnicity, gender, socio-economic status, English Learner-status, special needs-status, and residency.

## EDUCATION SPENDING PLAN

No less than 90% of measure proceeds shall be equitably allocated for education programs (not administrative overhead) on a per pupil basis, for students in grades 9 through 12 enrolled in all current Oakland Unified School District schools and charter schools, and new Oakland Unified School District schools and charter schools authorized by the Oakland Unified School District. Measure proceeds shall be distributed to such schools upon the submission, review, and approval of each school's annual education improvement plan. The goal of the education improvement plan must be to equitably place all students in career pathways or academies that deliver challenging academics, career technical education, work-based learning, and personalized academic, social, and emotional support services. An approved education improvement plan shall include, at minimum:

- Completion of a diagnostic self-evaluation of the school's needs to implement the full continuum of an integrated college and career preparation program for all students.
- Annual and Three-Year accountability indicators toward achieving the stated purpose and goals of this Measure.
- Evidence-based strategies designed to meet the accountability indicators.
- Annual benchmarks for the implementation of new or enhanced structures and systems that equitably place all students in career pathways or academies.

- Description of how school staff, time schedules, and budgets are coherently structured to implement the school improvement plan's strategies and activities.

No more than ten percent (10%) of measure proceeds each year shall be used by the Oakland Unified School District to administer the College & Career Readiness For All Fund, including, but not limited to project staffing, school quality reviews, independent audit services, and an evaluation of the Fund's progress toward achieving its stated purpose, goals, and allowable uses.

#### PERMISSIBLE USES

Measure proceeds shall be spent on the following school programs:

- To increase support for students in college preparatory courses in every high school to ensure students are qualified for admission to the University of California and other 4-year university systems, and are prepared to succeed in college;
- To provide work-based learning in every high school, including career exploration, career technical education courses, job shadowing, internships and job certifications;
- To reduce the drop-out rate by providing counseling, tutoring, mentoring and other intensive support services to students in danger of not graduating high school;
- To provide programs to students transitioning from 8th to 9th grade to prepare them to succeed in high school, and to students transitioning from 12th grade to college to prepare them for admission to and success in college.



### SENIOR CITIZEN EXEMPTION

In order to provide tax relief to senior citizens in the community, any parcel owned and occupied by a person 65 years of age or older shall be exempt from the education parcel tax upon proper application to the District. The exemption shall be available pursuant to procedures to be prescribed by the Board of Education or otherwise as required by law or by the Alameda County Tax Collector.

### LOW INCOME EXEMPTION

An exemption from this tax shall be made for owners of single family residential units in which they reside whose combined family income from all sources for the previous calendar year is at or below the income level qualifying as “very low income” for a family of such size under Section 8 of the United States Housing Act of 1937, 42 U.S.C.A. Sections 1437 et seq. for each year. Owners must apply for this exemption annually by petition to the Office of the Chief Financial Officer of the District in the manner and at the time set forth in procedures established by the District. Such petitions shall be on forms available from the Chief Financial Officer’s office and must provide information sufficient to verify income including, but not limited to, federal income tax returns and W-2 forms of owner-occupants.

### ACCOUNTABILITY PROVISIONS

College & Career Readiness Commission. The Board of Education shall establish a College & Career Readiness Commission 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. The College & Career Readiness Commission shall advise and report to the Board of Education and shall be responsible for (1) Planning, which includes (a) reviewing each high school’s School Quality Review findings, Balanced Scorecard results, and education improvement plans, and (b) submitting school funding recommendations to the Board of Education for action; and (2) Oversight, which includes (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 this Measure. The Board of Education shall provide by resolution for the composition, funding, staffing, and other necessary information regarding the Commission’s formation and operation.

### PUBLISHED INDEPENDENT ANNUAL AUDIT.

Upon the levy and collection of the education parcel tax, the Board of Education shall cause an account to be established for deposit of the proceeds, pursuant to Government Code Section 50075.1. For so long as any proceeds remain unexpended, the Superintendent or the Chief Financial Officer of the District shall cause an independent financial auditor to prepare a report to be filed with the Board of Education and made publicly available no later than December 31 of each year, commencing December 31, 2016, stating (1) the amount collected and expended in such year; (2) the description of all programs funded, and a determination that the monies expended were for the allowable uses stated in this Measure; and (3) the

determination that the monies from this Measure are being used to supplement, and not supplant, unrestricted general fund revenue so appropriated to schools to serve pupils in grades 9 through 12 based on fiscal year 2014-2015 funding. The cost of said Independent Audit may be paid from the proceeds of the parcel tax. The report may relate to the calendar year, fiscal year, or other appropriate annual period, as said officer shall determine, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the Board of Education.

### SECURITY FROM STATE SEIZURE OR USE

If, in any fiscal year during the term of the education parcel tax, the State Legislature or Governor shall approve any law or take any action the effect of which shall be to deprive the District of the benefit of any proceeds of the education parcel tax, whether by directly taking such proceeds for any State purpose or by taking such proceeds into account for purposes of calculating State support of the District under Section 8 of Article XVI or under any program of categorical aid, special aid or other special programs, then the Board of Education shall reduce the rate of the education parcel tax commensurately.

### LEVY AND COLLECTION

The education parcel tax shall be collected by the Alameda County Tax Collector at the same time and in the same manner and shall be subject to the same penalties as *ad valorem* property taxes collected by the Tax Collector. Unpaid taxes shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid.

“Parcel of taxable real property” shall be defined as any unit of real property in the District which receives a separate tax bill for *ad valorem* property taxes from the Alameda County Tax Collector. “Parcel of taxable real property” shall exclude all parcels which are otherwise exempt from or on which are levied no *ad valorem* property taxes in any year, and all parcels which qualify for the senior citizen exemption provided by this Oakland College and Career Readiness for All Act.

The District shall annually provide a list of parcels to the Alameda County tax collection officials which the District has approved for an exemption in accordance with this Act. Eligibility for the senior citizen exemption and low income exemption shall be determined solely by the District, and any taxpayer wishing to challenge the District’s determination, or claim a refund or reimbursement of taxes paid while eligible for the exemption, shall apply directly to the District.

The Alameda County Assessor’s determination of exemption or relief for any reason of any parcel from taxation, other than through the senior citizen exemption and low-income exemption, shall be final and binding for the purposes of the education parcel tax. Taxpayers wishing to challenge the County Assessor’s determination must do so under the procedures for correcting a misclassification of property pursuant to Part 9 of Division 1 of the California Revenue and Taxation Code or other applicable procedures. Taxpayers seeking a refund of any tax paid shall follow the procedures applicable to property tax refunds pursuant to the California Revenue and Taxation Code.

SEVERABILITY

The Board of Education hereby declares, and the voters, by approving this Oakland College and Career Readiness for All Act, concur, that every section, paragraph, sentence and clause of this Act has independent value, and the Board of Education and the voters would have adopted each provision hereof regardless of every other provision hereof. Upon approval of this Act by the voters, should any part be found by a court of competent jurisdiction to be invalid for any reason, all remaining parts hereof shall remain in full force and effect to the fullest extent allowed by law.

<<<<-----**END OF FULL TEXT OF MEASURE.**

## Exhibit A-I

### ABBREVIATION OF THE MEASURE

*[This summarizes, in 75 words or less, the full text of the proposition which appears below.]*

To continue to: reduce dropout rates; prepare Oakland students for college and 21st century careers; attract and retain highly qualified teachers; and provide mentoring, tutoring, and counseling; shall the Oakland Unified School District measure renewing the \$120 parcel tax for 14 years, without increasing the initial tax rate, adding annual cost-of-living adjustments, exemptions for seniors and specified low-income individuals, and independent oversight and audits, generating at least \$11.5 million annually that the State cannot take away be adopted?

## Exhibit A-II

### II. FULL TEXT OF THE MEASURE

#### BEGINNING OF FULL TEXT OF MEASURE----->>>>>

#### **2022 OAKLAND UNIFIED SCHOOL DISTRICT COLLEGE AND CAREER READINESS FOR ALL ACT**

This Proposition may be known and referred to as the “2022 Oakland Unified School District College and Career Readiness for All Act” or as “Measure \_\_\_\_” [*designation to be assigned by County Registrar of Voters*], which shall be referred to herein as the “Measure.”

#### FINDINGS

The Oakland Unified School District (“District” or “OUSD”) is determined to provide excellent educational programs to all students, including rigorous college preparatory academic courses in English, math, science, and other core programs that allow them to qualify for admission to the University of California and State University systems.

Essential elements of the District’s mission and vision to deliver educational excellence include improving student access to career-based and work-based learning opportunities as well as to support programs for students transitioning to high school and college.

Educational excellence also requires counseling, tutoring, mentoring, and other intensive support services to improve graduation rates, reduce the drop-out rate and support students struggling to graduate from high school.

Students should be prepared for the transition to work by enrolling in career education programs that offer practical experience via post-secondary options such as apprenticeships, job training, and community college certification that will lead to well-paying jobs in a competitive job market.

These efforts require the District to attract and retain highly qualified teachers and other staff.

However, state and local funding has not been adequate to meet these goals, and the District has no assurance that state or federal funding will permit the District to meet these goals in the future. To that end, the voters of Oakland approved the original Oakland Unified School District College and Career Readiness for All Act (“Original Measure”), which supported a comprehensive approach to high school education that integrated challenging academics with career-based learning and real-world work experiences. The impact of the Original Measure has been significant:

- Graduation rates have increased by 12%.
- A-G completion rates have increased by 13.8%.
- Dropout rates have decreased by 10.9%.
- Graduation rates and A-G completion rates have increased for African American students in OUSD by 17.5% and 17.3%, respectively.

## Exhibit A-II

- Graduation rates and A-G completion rates have increased for Latinx students in OUSD by 9.5% and 10.1%, respectively.
- The dropout rates for all students has decreased by 11 percentage points and for African American male students by 17 percentage points.

### THEORY OF ACTION

Consistent with the Original Measure, the specific purpose of the Measure is intended to continue and expand the comprehensive approach to high school education that involves research-based strategies integrating rigorous college preparatory academic programming with career-based learning, real-world work experiences, career technical training, and comprehensive student support services. This comprehensive approach involves, among other things, the creation of small learning communities of career-oriented pathways (i.e., cohorts of students and educators engaged in a sequence or continuum of core academic courses, career-oriented education, and work-based learning) and intensive, individualized supports to create the conditions for more students to graduate high school prepared to succeed in college, career, and community.

The District expects that this approach, if continued and implemented with fidelity, will lead to improved student outcomes for all students and more equitable student outcomes based on race, ethnicity, gender, socio-economic status, English Learner status, special needs status, housing status, immigration status, and family circumstance in the following ways:

- Increases in high school students' readiness to succeed in college and career.
- Increases in middle school students' successful transition to high school.
- Increases in the high school graduation rate.
- Increases in student access to career pathways.
- Decreases in the high school drop-out rate.
- Reductions in disparities in student achievement.

### COLLEGE & CAREER READINESS COMMISSION

The Board of Education ("Board") shall establish a College & Career Readiness Commission ("Commission") composed of five (5) persons each of whom demonstrate knowledge and expertise in one or more of the following areas: high school and postsecondary curriculum, instruction, and leadership; education research, evaluation, and analytics; student, family, and community engagement; career and industry integration with education; decision-making focused on racial equity and school improvement; and/or financial management and audits. The Commission shall advise and report to the Board and shall be responsible for reviewing and approving Annual Education Improvement Plans (including hearing any required oral presentations). Additionally, the Commission shall be responsible for overseeing the proper allocation and use of all parcel tax monies, which includes reviewing annual independent audit reports. To ensure compliance with the requirements and intent of the Measure, the Commission may, at its discretion, submit recommendations to the Board regarding new or modified Board Policies or to the Superintendent regarding new or modified Administrative Regulations.

## Exhibit A-II

### ANNUAL EDUCATION IMPROVEMENT PLAN (“PLAN”)

The goal of each school’s Plan must be to equitably place all students in that school in career pathways or academies that deliver challenging academics, career technical education, work-based learning, and personalized academic, social, and emotional support services. Additionally, to be approved, each Plan must be consistent with the Theory of Action and must include, at minimum:

- Completion of a diagnostic self-evaluation of the submitting school’s needs to implement the full continuum of an integrated college and career preparation program for all students that include rigorous academics, work based learning, career technical training, and comprehensive student support services.
- Annual and three-year accountability indicators.
- Evidence-based strategies designed to meet the accountability indicators.
- Annual benchmarks for the implementation of new or enhanced structures and systems that equitably place all students in career pathways or academies.
- A description of how school staff, time schedules, and budgets are coherently structured to implement the Plan’s strategies and activities.

The Superintendent or designee shall create, after considering recommendations from the Commission, the necessary templates, documents, and resources for the submission, review, and approval of a school’s Plan.

### COLLEGE & CAREER ACCOUNT CREATION AND USES

Consistent with Government Code section 50075.1 and all other applicable laws and regulations, the District shall establish and maintain the Oakland College & Career Readiness For All Account (“College & Career Account”) and all Measure proceeds shall be deposited into the College & Career Account. All funds in the College & Career Account shall be expended consistent with the specific purpose set forth in the Theory of Action.

For each fiscal year, at least 90% of funds in the College & Career Account shall be allocated to eligible schools for staffing and education activities and programs consistent with the Theory of Action of the Measure. Examples of such permissible uses include (but are not limited to):

- College and career preparatory courses (which includes Career Technical Education courses).
- Work-based learning opportunities such as opportunities for career awareness and exploration, job shadowing, internships, and job certifications.
- School and guidance counseling, tutoring, mentoring, and other intensive support services to students.
- High school bridge programs that help students successfully transition from 8th to 9th grade.
- Post-high school bridge programs to help students successfully transition from 12th grade to post-secondary education and the workforce.

## Exhibit A-II

- Materials, supplies, or equipment to support the design and implementation of student projects and project-based learning aligned to the pathway instructional focus.
- Programming, staffing, and activities such as community-building field trips, retreats, student incentives, and other events and activities that promote student belonging, student goal setting, and increased motivation in pathways.
- Staffing that enables student cohorting and parity across pathways in multi-pathway schools.
- State of the art or industry-specific equipment that aligns to industry and career-readiness standards.
- Programming and staffing that facilitate student enrollment and success in college courses while in high school.

The allocation to each eligible school shall be on a per pupil basis for students enrolled at the school in grades nine (9) through twelve (12) and who reside in Oakland. “Eligible schools” are defined to be (i) any Oakland Unified School District school and (ii) any charter school that received funding from the Original Measure (i.e., the Oakland Unified School District College and Career Readiness for All Act approved by the voters in November 2014) in 2021-22.

For an eligible school to request an allocation of funds from the College & Career Account in a given fiscal year, the school must submit an Annual Education Improvement Plan (“Plan”) to the Commission. For an eligible school to receive an allocation of funds from the College & Career Account in a given fiscal year, the Commission must approve its Plan (or an amended version of the Plan) and the Board must subsequently approve the allocation associated with the Plan. All eligible schools shall be held to the same high standards and expected to provide all students with access to rigorous academic programming, career technical training, work-based learning experiences, and comprehensive student supports.

Nothing herein shall limit the Board’s ultimate and final authority to add, modify, or reject an allocation for funding except that the District may not require that an OUSD school expend any funds from the College & Career Account to which it is allocated in one fiscal year in a way that supplants District-directed funding to that school in the prior fiscal year. This authority to allocate funding from the measure is absolute and the Board’s decisions may not be challenged or appealed either to other governmental agencies or to the courts.

No more than ten percent (10%) of funds in the College & Career Account may be used by the Oakland Unified School District to administer the College & Career Account. Such administrative expenses include, but are not limited to, central office staffing, school quality reviews, independent audit services, communicating the impact of the Measure, creating and supporting a community of practice across eligible schools, evaluating the impact of the Measure, and other activities to ensure fiscal accountability and alignment with the Measure.

The purpose of the funds, as set forth herein, is to further the Theory of Action of the Measure and should be applied with deference to the needs of eligible schools as outlined in the Plans approved by the Commission. To this end, the Commission shall be given great deference as to



## Exhibit A-II

the interpretation and application of this Measure. The Commission may recommend Board Policies and/or Administrative Regulations to be used to determine whether a particular proposed expense is permitted under the Measure when the Commission is unable to make such a determination. However, the Board retains ultimate, sole, and unappealable authority and discretion for deciding whether a specific use of funds is permissible under the Measure and, separately, whether to provide funding for such use.

### TAX RATE, TERMS, AND SUNSET

Upon approval of two thirds of those voting on the Measure, the Board of Education (“Board”) of the District shall be authorized to levy a qualified special tax on each parcel of taxable real property in the District, in the annual amount of one hundred and twenty dollars (\$120.00) per parcel (“Rate”) for fourteen (14) years, commencing July 1, 2023 and ending June 30, 2037.

Effective July 1, 2023, the Measure shall replace the Original—i.e., Oakland Unified School District College and Career Readiness for All Act (also known as Measure N)—approved by the voters in November 2014, and the latter shall cease to be in effect as of that date.

Beginning with the 2024-25 tax year (the second year of assessment of the special tax), and each year thereafter, as long as the Measure is in effect, the Rate may be adjusted from the Rate levied in the prior tax year by a cost-of-living adjustment equal to the annual average percentage change (currently, the “All Items” category, not seasonally adjusted) of the Bay Area Consumer Price Index – All Urban Consumers for the San Francisco-Oakland-Hayward area over the prior twelve months, as of December of the prior fiscal year, as published by the U.S. Bureau of Labor Statistics. If, in any given year, that index is not available, then the Rate may be adjusted based on the next comparable Consumer Price Index published by the U.S. Bureau of Labor Statistics that is available as of December of the prior fiscal year in the following priority: Bay Area, California, the United States. The cost-of-living adjustment shall be limited to an increase of five (5) percent per year and the new Rate shall be rounded annually to the nearest cent. The determination of the Rate and which index to use shall be determined by the District in its sole discretion.

### TAXPAYER EXEMPTIONS

As permitted by state law, the special tax shall apply to all property owners within the District except that an exemption from payment of the special tax may be granted on any single-family residential parcel owned that qualifies under one or more of the following conditions:

- **Senior Citizen Exemption:** Any parcel owned by a person or jointly owned and occupied by persons 65 years of age.
- **SSI Exemption:** Any parcel owned by a person or jointly owned by persons receiving Supplemental Security Income for a disability, regardless of age.
- **SSDI Exemption:** Any parcel owned by a person or jointly owned by persons receiving Social Security Disability Insurance benefits, regardless of age, whose yearly income does

## **Exhibit A-II**

not exceed 250 percent of the most recently available tax year's federal poverty guidelines issued by the United States Department of Health and Human Services.

The exemption shall be available pursuant to procedures to be prescribed by the Superintendent or designee, or otherwise as required by law or by the Alameda County Tax Collector. Owners must apply for this exemption annually, or otherwise as required by law or by the Alameda County Tax Collector, by petition to the District in the manner and at the time set forth in procedures established by the Superintendent or designee.

### **ANNUAL REPORT AND INDEPENDENT AUDIT**

The chief fiscal officer of the District shall cause an independent financial auditor to prepare a report and audit for each fiscal year in which taxes have been levied or expended in accordance with the Measure. The report and audit shall be filed with the Board and made publicly available. The report and audit shall include (but is not limited to including) the following information:

- The amount of funds collected and expended in the applicable reporting period. The applicable reporting period may be a calendar year, fiscal year, or other appropriate annual period, as determined by the chief fiscal officer or designee in consultation with the Commission.
- A description of the uses of all funds expended in the applicable reporting period, and a determination that such uses were consistent with the Measure.

As noted herein, the cost of the annual report and audit may be paid from the proceeds of the parcel tax. The annual report and audit may be incorporated into or filed with the District's annual budget, financial audit, or other appropriate routine reports to the Board.

### **PROTECTION FROM COUNTY OR STATE SEIZURE OR USE**

It is the intent of the voters of Oakland that the County Superintendent of Schools, the State Legislature, the Governor, or any other state or county actor or entity shall not be permitted to redirect or reduce the proceeds of the Measure. Additionally, if, in any fiscal year during the term of the Measure, the County Superintendent of Schools, the State Legislature, the Governor, or any other state or county actor or entity takes any action the effect of which is to deprive the District of the benefit of any or all proceeds of the Measure—whether by directly taking such proceeds for any State purpose, by taking such proceeds into account for purposes of calculating State support of the District under Section 8 of Article XVI or under any program of categorical aid, special aid or other special programs, or by reducing other funding to OUSD—then the tax rate shall be reduced commensurately if doing so would not further diminish the proceeds from the Measure controlled by the District.

### **LEVY AND COLLECTION**

The tax permitted to be levied under the Measure shall be collected by the Alameda County Tax Collector at the same time and in the same manner and shall be subject to the same penalties as

## Exhibit A-II

ad valorem property taxes collected by the Tax Collector. Unpaid taxes shall bear interest at the same rate as the rate for unpaid ad valorem property taxes until paid.

“Parcel of taxable real property” shall be defined as any unit of real property in the District which receives a separate tax bill for ad valorem property taxes from the Alameda County Tax Collector. “Parcel of taxable real property” shall exclude all parcels which are otherwise exempt from or on which are levied no ad valorem property taxes in any year, and all parcels which qualify for at least one of the exemptions provided for herein.

The District shall annually provide a list of parcels to the Alameda County tax collection officials which the Superintendent or designee has approved for an exemption in accordance with the Measure.

The Alameda County Assessor’s determination of exemption or relief for any reason of any parcel from taxation, other than through the exemptions set forth herein, shall be final and binding for purposes of the Measure. Taxpayers wishing to challenge the County Assessor’s determination must do so under the procedures for correcting a misclassification of property pursuant to Part 9 of Division 1 of the California Revenue and Taxation Code or other applicable procedures. Taxpayers seeking a refund of any tax paid shall follow the procedures applicable to property tax refunds pursuant to the California Revenue and Taxation Code.

### SEVERABILITY

The voters of Oakland and Board hereby declare, separately and together, that by approving the Measure, that every section, paragraph, sentence and clause of the Measure has independent value, and the voters and the Board would have adopted each provision hereof regardless of every other provision hereof. Should any part of the Measure be found by a court of competent jurisdiction to be invalid for any reason, all remaining parts hereof shall remain in full force and effect to the fullest extent allowed by law.

<<<<-----END OF FULL TEXT OF MEASURE