

Board Office Use: Legislative File Info.	
File ID Number	23-1746
Introduction Date	8/9/2023
Enactment Number	
Enactment Date	



WITHDRAWN

Board Cover Memorandum

To Board of Education

From Kyle Johnson-Trammell, Superintendent
Joshua R. Daniels, Chief Governance Officer
Kelly Krag-Arnold, Kelly Krag-Arnold, Director, Office of Charter Schools

Meeting Date August 9, 2023

Subject Material Revisions

Ask of the Board Approval by the Board of Education of Resolution No. 2324-0062 - Expressing The Intent To Consider, In Good Faith, All Material Revisions

Background OUSD and EBIA properly entered into the Compromise and Release Agreement (“Settlement”), effective June 28, 2023, which resolved all claims, issues, disputes, and appeals related to the District’s obligation to provide reasonably equivalent facilities to EBIA for grades 9-12 for the 2023-24 school year pursuant to Proposition 39. Under the Settlement, the Board agreed to consider and approve a Board Resolution that expresses the Board’s intent to consider, in good faith, all material revisions, particularly material revisions that solely involve a change in location of a charter school.

While one of the Board’s top priorities is the needs of its schools and students, Proposition 39 has forced the Board to offer co-locations to charter schools even if such co-locations are not in the best interest of OUSD schools and students. A material revision which, if approved, would decrease the need for the Board to offer co-locations to charter schools would, on its face, likely benefit OUSD schools and students.

Discussion The proposed Resolution expresses the Board’s intent to consider, in good faith, all material revisions, particularly material revisions that solely involve a change in location of a charter school from an OUSD-provided location to a non-OUSD location.

Fiscal Impact N/A.

Attachment

- Resolution No. 2324-0062 - Expressing The Intent To Consider, In Good Faith, All Material Revisions

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

Resolution No. 2324-0062

Expressing The Intent To Consider, In Good Faith, All Material Revisions

WHEREAS, Education Code sections 47605 and 47607 govern the process by which charter schools authorized by the OUSD Governing Board propose material revisions to their charter petitions and the OUSD Governing Board considers and acts on such proposed material revisions;

WHEREAS, OUSD and EBIA properly entered into the Compromise and Release Agreement (“Settlement”), effective June 28, 2023, which resolved all claims, issues, disputes, and appeals related to the District’s obligation to provide reasonably equivalent facilities to EBIA for grades 9-12 for the 2023-24 school year pursuant to Proposition 39;

WHEREAS, under the Settlement, the Board agreed to consider and approve a Board Resolution that expresses the OUSD Governing Board’s intent to consider, in good faith, all material revisions, particularly material revisions that solely involve a change in location of a charter school;

WHEREAS, one of the OUSD Governing Board’s top priorities is the needs of its schools and students;

WHEREAS, Proposition 39 has forced the OUSD Governing Board to offer co-locations to charter schools even if such co-locations are not in the best interest of OUSD schools and students; and

WHEREAS, a material revision which, if approved, would decrease the need for the OUSD Governing Board to offer co-locations to charter schools would, on its face, likely benefit OUSD schools and students.

NOW, THEREFORE, BE IT RESOLVED, the OUSD Governing Board hereby expresses its intent to act in accordance with the law when considering any material revisions submitted by its authorized charter schools consider, in good faith, all material revisions, particularly material revisions that solely involve a change in location of a charter school from an OUSD provided location to a non- OUSD location.

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

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While one of the Board’s top priorities is the needs of its schools and students, Proposition 39 has forced the Board to offer co-locations to charter schools even if such co-locations are not in the best interest of OUSD schools and students. A material revision which, if approved, would decrease the need for the Board to offer co-locations to charter schools would, on its face, likely benefit OUSD schools and students.

Discussion The proposed Resolution expresses the Board’s intent to consider, in good faith, all material revisions, particularly material revisions that solely involve a change in location of a charter school from an OUSD-provided location to a non-OUSD location.

Fiscal Impact N/A.

Attachment

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**RESOLUTION OF THE
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Resolution No. 2324-0062

Expressing The Intent To Consider, In Good Faith, All Material Revisions

WHEREAS, Education Code sections 47605 and 47607 govern the process by which charter schools authorized by the OUSD Governing Board propose material revisions to their charter petitions and the OUSD Governing Board considers and acts on such proposed material revisions;

WHEREAS, OUSD and EBIA properly entered into the Compromise and Release Agreement (“Settlement”), effective June 28, 2023, which resolved all claims, issues, disputes, and appeals related to the District’s obligation to provide reasonably equivalent facilities to EBIA for grades 9-12 for the 2023-24 school year pursuant to Proposition 39;

WHEREAS, under the Settlement, the Board agreed to consider and approve a Board Resolution that expresses the OUSD Governing Board’s intent to consider, in good faith, all material revisions, particularly material revisions that solely involve a change in location of a charter school;

WHEREAS, one of the OUSD Governing Board’s top priorities is the needs of its schools and students;

WHEREAS, Proposition 39 has forced the OUSD Governing Board to offer co-locations to charter schools even if such co-locations are not in the best interest of OUSD schools and students; and

WHEREAS, a material revision which, if approved, would decrease the need for the OUSD Governing Board to offer co-locations to charter schools would, on its face, likely benefit OUSD schools and students.

NOW, THEREFORE, BE IT RESOLVED, the OUSD Governing Board hereby expresses its intent to act in accordance with the law when considering any material revisions submitted by its authorized charter schools.

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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