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Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Sondra Aguilera, Chief Academic Officer
Monica Thomas, Deputy Chief of Continuous School Improvement

Meeting Date September 25, 2024

Subject Ad Hoc Committee Recommendations for additional Equity Impact Analysis metrics

Ask of the Board Adoption by the Board of Education to amend AB 1912 Equity Impact Analysis Metrics, by adding additional metrics recommended by the ad hoc committee, through the adoption of Board Resolution No. 2324-0020D.

The purpose of the presentation is to share recommended additional metrics selected by the Ad Hoc Committee (beyond the nine metrics required under AB1912) for the Equity Impact Analysis required for any school closures or mergers. The Board will determine whether to add some or all of the recommended additional metrics to OUSD’s Equity Impact Analysis for any future closures, mergers or consolidations of schools.

Background On January 10, 2024, the board initiated the process directed by Assembly Bill 1912 to ensure that an Equity Impact Analysis is conducted on any schools recommended for closure or merger. Between January 10 and March 27, 2024, staff and Board members solicited community input on proposed metrics for the Equity Impact Analysis.

On March 27, 2024, the Board considered metrics for the Equity Impact Analysis. However, the Board did not approve metrics at that time, voting to postpone the vote until June 5th in order to conduct more community engagement.

On April 10, 2024, the Board voted to rescind their postponement of the approval of metrics and passed amended resolution 2324-0020A, which (1) approved the use of the nine metrics required under AB1912 for Equity Impact Analysis, and (2) directed the Superintendent or designee to form an ad hoc, time-limited advisory committee of community members to inform the selection of any additional measures for the Equity Impact Analysis. The Board directed a review of the recommendations from the ad hoc committee on June 5, 2024, in order to take action on any additional metrics recommended by the committee.

At the June 5, 2024 Board meeting, staff provided an update on the formation of the ad hoc committee and the Request for Proposal/Quotes for a consultant to lead the ad hoc committee and community engagement work. Resolution 2324-0020A was amended to say that the Board would review recommendations from the ad hoc committee and take action on any additional metrics on August 28, 2024. On August 28, 2024, the resolution was again amended to extend the timeline until September 25, 2024, to ensure adequate time to complete an engagement process with the ad hoc committee.

Discussion

The Ad Hoc committee met for ten hours and included the following members, as directed by Resolution 23-2704:

2 student representatives selected by All City Council (ACC)
one OUSD family representative selected by each of the following groups: <ul style="list-style-type: none"> ● Parent Student Advisory Committee (PSAC) ● Community Advisory Committee (CAC) ● District English Language Learners Subcommittee (DELLS)
A representative from the Black Reparations Taskforce (did not participate)
A representative from the George Floyd Resolution Taskforce (attended a session)
A representative from each labor union AFSCME, BCTC, SEIU, Teamsters, UAOS; (OEA did not participate)
2 community members appointed by the Superintendent
4 school site and central District staff appointed by the Superintendent

The committee met three times, on August 26, 2024; September 4, 2024; and September 10, 2024.

At Meeting #1 the group agreed on norms for working together, clarified a definition of equity, and group members shared their “why” for participating in the committee. The committee learned about the nine required AB 1912 measures, discussed them, and voted to weigh them.

At Meeting #2 the group continued to build community and connect with one another. They finalized prioritization of the nine required AB 1912 measures and learned about additional measures in use in other districts. Group members

envisioned possible futures for OUSD and then identified potential additional measures connected to their visions for OUSD.

At Meeting #3, the group again grew relationships and trust. They narrowed a list of proposed additional measures and engaged in a decision-making protocol to surface final recommendations for the Board of Education.

Prioritization of Nine Required Equity Impact Measures

The committee prioritized the 9 measures for the Equity Impact Analysis that are required by AB 1912. The committee's recommendation is to prioritize/weight the nine required Equity Impact measures in this order:

1. Special Programs available at closure schools (D) - 20%
2. Pupil demographics (F) - 20%
3. Condition of the School Facility (A) - 14%
4. Transportation (G) - 14%
5. Environmental Factors (E) - 11%
6. Operating cost & Associated savings (B) - 6%
7. Capacity to accommodate excess pupils (C) - 6%
8. Impact on Feeder School Attendance Patterns (I) - 6%
9. Aesthetics/Blight (H) - 3%

Recommended Additional Measures

In addition to the 9 required measures, the Ad Hoc Committee recommends the following 5 additional measures to best understand the equity impact of any closures or mergers on the Oakland community:

1. Safety: defined as the physical and psychological safety of students, staff and families impacted. Consider in particular:
 - a. Extent to which students from rival gang territories will attend the same school following any closures or mergers.
 - b. Access to safe transportation through the neighborhood for students and staff - taking into account gang territories, encampments, and other safety concerns.
 - c. Extent to which staff and families in the receiving community are prepared to welcome new students and families.
2. School Provisioning & Wellness: defined as impact on student access to the following:
 - Communication** - User friendly, accessible, translation, multimedia, 21st century
 - Facility Resources** - Cafeteria, green space, modern facilities and technology, library, maintenance

Programming - Enrichment, athletics, language, A-G, arts, restorative justice, 21st century skills, newcomer and ELL supports
Community Schools - Access, translation, health, wellness, food and nutrition services, outreach, integration of community/families.

Consider in particular:

- a. Extent to which students will have access to adequate services and facilities that meet physiological needs of the students.
 - b. Extent to which students/staff needs are being met and leaders/adults are attentive to the needs of students/staff. School provides a system that monitors and knows the needs of students.
3. Undue Impact on Families: defined the impact on those students who have an IEP and may or may not be enrolled in a Special Program (considered specifically under AB 1912 Measure (D) *Special programs available at closure schools*). Consider in particular:
- a. Extent to which disabled students are able to be supported and integrated at the school site as measured by meeting IEP goals and participation in extracurriculars.
 - b. How many times a student in a school has already been displaced either by a school closure/merger or by a program change (ie for special education or language access purposes).
4. Impact on Students in Special Education: defined as the impact on those students who have an IEP and may or may not be enrolled in a Special Program (considered specifically under AB 1912 Measure (D) *Special programs available at closure schools*). Consider in particular:
- a. Extent to which disabled students are able to be supported and integrated at the school site as measured by meeting IEP goals and participation in extracurriculars.
 - b. How many times a student in a school has already been displaced either by a school closure/merger or by a program change (ie for sped or language access purposes).
5. Geographic Analysis: defined as significant increase in commute time, physical, emotional and economical effort required to attend school, and disproportionate school destabilization in a particular community. Consider in particular:
- a. Extent to which the change impacts single parent households, caregiver siblings, foster students, families of students w/moderate-severe disabilities & unhoused students
 - b. Extent to which the change impacts families with multiple children in different grade levels

- c. Extent to which the change impacts the same families who were impacted from past closures

Fiscal Impact The projected amount for potential savings for implementing 10 school mergers as described in Attachment B is \$2,477,792.00.

- Attachment(s)**
- Presentation - AB 1912 Equity Impact Analysis Metrics Recommendation
 - Resolution- No. 2324-0020D - Metrics for Initiation of School Changes Per Education Code 41329
 - Ad Hoc Committee Statement
 - Assembly Bill 1912

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OAKLAND UNIFIED SCHOOL DISTRICT
Community Schools, Thriving Students

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

Resolution No. 2324-0020D

**Equity Impact Analysis Metrics
for the Initiation of School Changes Per Education Code 41329**

WHEREAS, on March 9, 2023, the Board of Education adopted Resolution No. 2223-0040 Proposed Budget Adjustments for 2023-24 Budget, approving budget adjustments for the 2023-24 fiscal year and beyond;

WHEREAS, on February 28, 2024, the Board of Education adopted 2324-0137 - Proposed Budget Adjustments for Fiscal Year 2024-25 and Restructuring Recommendations for the 2025-26 fiscal year and beyond;

WHEREAS, one of the adopted budget adjustments was “the potential merger of schools effective 2024-25,” but that “[b]efore any closures or consolidations take place, the District will comply with the guidelines set forth in [Assembly Bill No.] 1912 which requires a district, before approving the closure or consolidation of a school, to conduct an equity impact analysis in its consideration of school closures or consolidations”;

WHEREAS, while the specific number or types of mergers was not specified in Resolution No. 2223-0040A, the potential merger of schools did involve shifting 17.70 Full-Time Equivalent positions from the General Fund (Fund 0000) to ESSER funding for 2023-24, for an estimated savings to the General Fund of \$2.48 million;

WHEREAS, Education Code section 41329, added by Assembly Bill No. 1912 (“AB 1912”), requires all school districts in financial distress (such as OUSD) to follow certain procedural steps prior to voting to “clos[e] or consolidat[e] . . . a school of the school district”;

WHEREAS, the first procedural step is for the “governing board of the school district [to] develop a set of metrics for the development of [an] equity impact analysis and make those metrics public

at a regularly scheduled meeting of the governing board of the school district so that the public can provide input regarding the metrics being used to conduct the analysis”;

WHEREAS, the Board held a public meeting on January 10, 2024 to review the recommended AB 1912 equity impact analysis metrics, solicit community input and launch further engagement by means of Town Hall meetings and district-wide surveying on the recommended equity impact analysis metrics; and

WHEREAS, in addition to soliciting feedback in the public meeting held on January 10, 2024, staff and Board members have solicited community input on proposed metrics for the equity impact analysis through town hall meetings, surveys, and community engagement;

WHEREAS, the Board seeks to further engage with the public through an ad hoc, time-limited advisory committee of community collaborators;

WHEREAS, on April 10, 2024, the Board of Education adopted Resolution No. Resolution No. 2324-0020 accepting the AB 1912 metrics as described by the legislation in 41329 (a)(1)(A) through (I).

WHEREAS, the Board recommended that the Superintendent, or designee, consult with an ad hoc group, a time limited advisory committee, comprising of up to 19 individuals as follows:

- A. student representatives selected by All City Council (“ACC”)(2);
- B. one OUSD family representative selected by each of the following groups:
 - i. Parent Student Advisory Committee (“PSAC”)(1);
 - ii. Community Advisory Committee (“CAC”)(1);
 - iii. District English Language Learners Subcommittee (“DELLS”)(1);
- C. a representative from the Black Reparations Taskforce (1);
- D. a representative from the George Floyd Resolution (“GFR”)Taskforce (1);
- E. a representative from each labor union (AFSCME, BCTC, OEA, SEIU, Teamsters, UAOS)(6);
- F. community members appointed by the Superintendent (2);

WHEREAS, on June 5, 2024, the Board of Education adopted Resolution No. 2324-0020-A reaffirming its recommendation to the Superintendent and extended the time period for this engagement with community collaborators to August 28, 2024 then on August 28, 2024 extended the time period to September 25, 2024;

WHEREAS, on August 28, 2024 the Board also directed staff to conduct the equity impact analysis using the approved metrics by December 31, 2024 and continue to follow the AB 1912 process as prescribed in the legislation; and

WHEREAS, as recommended by the Board, the Superintendent has consulted with an ad hoc group, a time limited advisory committee, who recommends five additional metrics.

NOW, THEREFORE, BE IT RESOLVED, in addition to the AB 1912 metrics prescribed by the legislation in 41329 (a)(1)(A) through (I), the Board now directs the Superintendent or designated staff to make every effort to incorporate the following recommended metrics from the AB 1912 Ad Hoc Committee into the Equity Impact Analysis:

1. Safety
2. School Provisioning and Student Wellness
3. Undue Impact on Families
4. Impact on Students in Special Education
5. Geographic Analysis

BE IT FURTHER RESOLVED, the Board hereby reaffirms that it directs staff to conduct the equity impact analysis using the approved metrics by December 31, 2024 and to continue to follow the AB 1912 process as prescribed in the legislation.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this 25th day of September 2024, by the following vote:

PREFERENTIAL AYE: Maximus Simmons (Student Director), Michele Vasquez (Student Director)

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Jennifer Brouhard, VanCedric Williams, Valerie Bachelor, Jorge Lerma, Clifford Thompson, President Benjamin Davis

NOES: Vice President Mike Hutchinson

ABSTAINED: None

RECUSED: None

ABSENT: None

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Regular Meeting of the Board of Education of the Oakland Unified School District held on September 25, 2024.

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OAKLAND UNIFIED SCHOOL DISTRICT



Benjamin Davis
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

TO: The Oakland Unified School District Board of Education

FROM: The AB 1912 Ad Hoc Committee

RE: Statement on our work developing recommendations for Equity Impact Analysis

We'd like to start by thanking the Board of Education for the opportunity to work together to develop recommendations for the district's Equity Impact Analysis. Coming from a diverse set of communities and roles in our city, this was no easy task. Over the last month, the Ad Hoc committee convened for about 10 hours to align our definitions of equity, and understand, elaborate on, and eventually recommend weights for the nine required AB1912 measures. We then grappled with our varying priorities when recommending potential additions to that list of nine. Eventually, we settled on adding five measures for the board's consideration.

Before we go any further, we want to be clear that there were challenges with this process that made it less than ideal.

- Many of us felt the process was too fast given the importance of the analysis in the overall decision frame, making it all feel rushed.
- The committee itself was incomplete, and as such there is rich input missing from those invited to participate who did not - their ideas would have certainly added to and influenced the final set of recommendations.

That said, we did our best to offer recommendations that center the experience of students and families in OUSD and sought to best protect those most vulnerable in our community.

Our focus on families and students should not give the sense that we do not care about teachers and staff. We do. And we are aware that in other districts undertaking challenging reductions, teachers and staff of color have disproportionately borne the burden of the changes. This disproportionate burden must NOT be the case in Oakland.

In addition to the recommendations, we agreed that we also wanted to share this statement with the board because even though we completed the required task, throughout the entire process, members expressed a profound and nagging sense of doubt about the willingness of the board to hear what we have to say, or to make the tough choices that need to be made. Many of our committee members have been part of such community engagement efforts before, where a lot of time was spent, good work was completed and sent forward, only to meet with inaction or outright dismissal, and even reversal on the part of the Board of Education. We couldn't shake the sense that this might yet be another such time.

We recognize that we have no control over what the board does, and our charter was to make recommendations, knowing that some or all might not meet with the board's favor. There were some fundamental principles that specific measures could not capture, but we felt they were important enough for us to put in a statement to you.

No one of us wants school closures. Let me repeat this. None of us want school closures. And through this process, we also understood that the district staff doesn't wish for school closures either. But because of the budget situation that the district finds ourselves in, noted most recently by the superintendent's message on the closing of the books, and projected enrollment challenges, it is clear that we are heading into a challenging set of decisions about what the district needs to do to produce academic excellence for all with fewer and fewer resources. Closing schools isn't something anyone wants to do, but if closing schools is necessary, we are all committed to making recommendations that would lessen the negative impacts on our most vulnerable students and families.

If the district is going to undertake this complex work, we strongly recommend the following.

- 1) Because the AdHoc committee had members who understood the district's financial data and were able to share those insights with the team, we gained some understanding of the need for school reductions, but the broader Oakland community needs to experience such transparent sharing of the underlying why.
- 2) Any school change process should include robust and collaborative engagement from all stakeholders. This is more than just the listening and communication sessions; but real and meaningful collaborative problem-solving that results in all of us owning the challenge and the agreed upon solutions. The Ad Hoc committee meetings were like this, so more engagement like what we experienced is what we recommend, and
- 3) The district should create accountability mechanisms that reinforce the need for those making these tough decisions to be accountable to the community for producing a new normal that better serves Oakland families. A smaller district with the same problems and challenges would not be anyone's measure of success.

Oakland families understand what needs to happen when budgets come up short. Most of us live that truth every day, making tradeoffs that are not ideal but necessary for a brighter future. Don't underestimate our ability to contribute ideas, insights, and suggestions that can minimize harm and maximize the potential for positive overall outcomes.

N.B. The Ad Hoc Committee's recommended measures *are* intended to measure the equity impact of potential school closures or mergers once a scenario is proposed. These *are not* the initial measures that the board will use to inform board decisions about which schools to close or merge. During the Ad Hoc Committee process, we moved from uncertainty to understanding

about this crucial distinction. The OUSD board - and other organizations across the state - have had misconceptions about applying the equity impact measures in the past, so we are noting it here for emphasis.

Assembly Bill No. 1912

CHAPTER 253

An act to add and repeal Section 41329 of the Education Code, relating to emergency apportionments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 2022. Filed with Secretary
of State September 6, 2022.]

legislative counsel's digest

AB 1912, Mia Bonta. Emergency apportionments: closure and consolidation requirements.

Existing law authorizes the governing board of a school district, if it determines during a fiscal year that its revenues are less than the amount necessary to meet its current year expenditure obligations, to request an emergency apportionment through the Superintendent of Public Instruction, as provided. Existing law imposes certain conditions and requirements on a school district that accepts an emergency apportionment, including, among others, that the governing board of the school district prepare a report on the financial condition of the school district. Existing law requires the report to include, among other things, specific actions taken to reduce expenditures or increase income, and the cost savings and increased income resulting from those actions.

This bill would require a school district under financial distress, as defined, before approving the closure or consolidation of a school, to conduct an equity impact analysis in its consideration of school closures or consolidations, as provided. The bill would require the governing board of the school district to develop a set of metrics, as specified, for the development of the equity impact analysis, and to make those metrics public at a regularly scheduled meeting of the governing board of the school district so that the public can provide input regarding the metrics being used to conduct the analysis, as provided. To the extent the bill imposes additional duties on local educational agencies, the bill would impose a state-mandated local program. The bill would provide that its provisions do not apply to a school district's closure of a school due solely to the unsafe condition of the school's facilities. The bill would make these provisions inoperative as of July 1, 2028.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement

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for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 41329 is added to the Education Code, immediately following Section 41328, to read:

41329. (a) A school district under financial distress, as defined in subdivision (b), shall do all of the following before approving the closure or consolidation of a school of the school district:

(1) In deciding what schools to close or consolidate, the governing board of the school district shall

conduct an equity impact analysis in its consideration of school closures or consolidations. The governing board of the school district shall develop a set of metrics for the development of the equity impact analysis and make those metrics public at a regularly scheduled meeting of the governing board of the school district so that the public can provide input regarding the metrics being used to conduct the analysis. The metrics shall include, but are not limited to, all of the following:

- (A) The condition of a school facility.
- (B) The operating cost of a school and the associated savings resulting from a closure or consolidation.
- (C) The capacity of a school to accommodate excess pupils. (D) Special programs available at the schools being considered for closure or consolidation and whether those programs will be provided at the same current level at the schools to which pupils will be diverted. (E) Environmental factors, including, but not limited to, traffic and proximity to freeway access.
- (F) Balance of pupil demographics, including race or ethnicity, pupils with disabilities, English learners, foster youth, and homeless youth, in the schools being considered for closure or consolidation, and the resulting demographic balance of pupils after placement in other schools, in order to determine if the decision to close or consolidate will have a disproportionate impact on any particular demographic group.
- (G) Transportation needs of pupils.
- (H) Aesthetics and the opportunity for blight and negative impact on the surrounding community.
- (I) Impact on feeder school attendance patterns with the closure of any particular school and whether the closure will attenuate attendance at other schools or specialized programs as a result.

(2) (A) The governing board of the school district shall provide its recommendations regarding school closures and consolidations to the public at a regularly scheduled meeting and share how it prepared its list and include, at a minimum, all of the following information:

- (i) Factors used to identify the list of school closures or consolidations. 94

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- (ii) Equity impact analysis findings for each school closure or consolidation.
 - (iii) Plan for the use of the schools proposed for closure or consolidation once it becomes a vacated facility.
 - (iv) Criteria used to assign displaced pupils to other schoolsites, or a description of the process of reassignment that will be used by the school district.
 - (v) Options and timeline for transitioning pupils to their new schools, including improving safe routes to schools and home-to-school transportation needs.
- (B) The governing board of the school district shall review and consider the feedback presented at the public meeting and make its decision on any school closures or consolidations at a subsequently scheduled regular meeting.
- (C) At the subsequent regularly scheduled meeting, the governing board of the school district shall present its final recommendation for school closures or consolidations, which shall include a review of how public input was incorporated into the final recommendation. Any affirmative action by the governing board of the school district to implement a school closure or consolidation shall be made only after it adopts a resolution concluding that the community engagement process required pursuant this section has been completed.
- (D) (i) Upon an affirmative action by the governing board of the school district to implement a school closure or consolidation, the school district shall provide information to parents and pupils in multiple formats, including, but not limited to, email and paper notifications.
- (ii) Notifications to parents shall be translated into their primary language pursuant to Section 48985.
 - (iii) The information shall include all of the following:
 - (I) The date of the approved closure or consolidation.
 - (II) The pupil's new school assignment, as applicable.
 - (III) School district resources for pupils and parents to support the pupil's transition.
 - (IV) School district contacts for additional information.

(b) For purposes of this section, “financial distress” means a school district with an emergency apportionment pursuant to Article 2 (commencing with Section 41320) or this article, a trustee appointed pursuant to Article 2 (commencing with Section 41320), or an administrator appointed pursuant to this article.

(c) For purposes of this section, “governing board of a school district” includes a trustee appointed pursuant to Article 2 (commencing with Section 41320), or an administrator appointed pursuant to this article.

(d) This section does not apply to a school district’s closure of a school due solely to the unsafe condition of the school’s facilities. (e) The process outlined pursuant to this section shall not take more than 12 months from the initiation of the equity impact analysis pursuant to paragraph (1) of subdivision (a) to the notification to parents of the final

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determination of the governing board of the school district pursuant to subparagraph (D) of paragraph (2) of subdivision (a).

(f) This section shall become inoperative on July 1, 2028, and, as of January 1, 2029, is repealed.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to mitigate, as soon as possible, the impacts of declining enrollment and chronic absenteeism, due to both long-term demographic trends and the COVID-19 pandemic, which will result in the closure of schools, it is necessary for this act to take effect immediately.