

CITY OF OAKLAND
BILL ANALYSIS



Date: April 26, 1007
Bill Number: AB 45
Bill Author: Assemblyman Sandre Swanson

DEPARTMENT INFORMATION

Contact: Susan Piper
Department: Council District 4
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RECOMMENDED POSITION: SUPPORT

Summary of the Bill: AB 45 (Swanson) establishes a definitive orderly process for the return of all rights, duties and powers to the governing board of the Oakland Unified School District (OUSD) based on annual reports of the Fiscal Crisis and Management Assistance Team (FCMAT), which will recommend areas that would be returned to the school district by July of each year until all administrative, operational and fiscal duties have been returned.

OUSD has been in State receivership since 2003, having at that time received a \$100 million loan from the State upon the discovery of severe financial disarray. A State Administrator was appointed by the State Superintendent of Education and empowered to assume total control of all aspects of the OUSD. As a result of being in receivership, the governing board of OUSD had all of its rights, duties and powers removed. The OUSD was found to be absent any intentional financial mismanagement or fraud.

SB39 (Perata) which triggered the total disempowerment of Oakland's elected School Board does not include a time line to gauge the progress deemed necessary for return of local control. AB 45 rectifies this omission.

Positive Factors for Oakland: Restores accountability and transparency to the School Board and District's administration and procedures that impact the education of Oakland's youth.

Provides parents meaningful and constructive participation in the education of their children.

Negative Factors for Oakland: None

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

- Critical** (top priority for City lobbyist, city position required ASAP)
 Very Important (priority for City lobbyist, city position necessary)
 Somewhat Important (City position desirable if time and resources are available)

Item: _____
Rules & Legislation Comte.
Date xx, 2006

___ **Minimal** or ___ **None** (do not review with City Council, position not required)

Known support: Assemblymember Karen Bass, Los Angeles, District 49
Assemblymember Jim Beall, San Jose, District 24
Assembly Member Julia Brownley, Woodland Hills, District 41
Assemblymember Wilmer Amina Carter, Rialto, District 62
Assemblymember Joe Coto, San Jose, District 23
Assemblymember Mark DeSaulnier, Martinez, District 11
Assemblymember Marvyn Dymally, Compton, District 52
Assemblymember Mike Eng, El Monte, District 49
Assemblymember Loni Hancock, Berkeley/El Cerrito, District 14
Assemblymember Mary Hayashi, Hayward, District 18
Assemblymember Betty Karnette, Long Beach, District 54
Assemblymember Gene Mullin, San Mateo, District 19
Assemblymember Nicole Parra, Bakersfield, District 30
Assemblymember Curren Price, Inglewood, District 51
Assemblymember Laura Richardson, Long Beach, District 55
Assemblymember Jose Solorio, Anaheim, District 69
Assemblymember Sandre Swanson, Oakland, District 16
Alameda County Democratic Party
American Federation of State, County, and Municipal Employees
Boardmember Alice Spearman, Oakland Board of Education
Boardmember Gary Yee, Oakland School Board
Board President David Kakishiba, Oakland School Board
Boardmember Christopher Dobbins, Oakland School Board
Boardmember Gay Plair Cobb, Alameda County Board of Education
Boardmember Greg Hodge, Oakland Board of Education
Boardmember Kerry Hamill, Oakland Board of Education
Boardmember Noel Gallo, Oakland Board of Education
California ACORN
California School Boards Association
California Teachers Association
Congresswoman Barbara Lee
Councilmember Jean Quan, City of Oakland
Councilmember Larry Reid, City of Oakland
Councilmember Nancy Nadel, City of Oakland
Councilmember Patricia Kernighan, City of Oakland
Crocker Highlands Elementary School Parent Teacher Association
Mayor Ronald V. Dellums, City of Oakland
Metropolitan Greater Oakland Democratic Club
Oakland Education Association
Supervisor Alice Lai-Bitker, Alameda County
Supervisor Keith Carson, Alameda County
Supervisor Nate Miley, Alameda County
Trustee Linda Handy, Peralta Community College District
Vice Mayor Henry Chang, City of Oakland

Item: _____
Rules & Legislation Comte.
Date xx, 2006

Wellstone Democratic Renewal Club
More than three hundred individuals

Known Opposition:

None on file

Attach bill text and state/federal legislative committee analysis, if available.

Respectfully Submitted,

Name Jean Quan
Council President Pro Tempore

Approved for Forwarding to
Rules Committee

Office of City Administrator

Item: _____
Rules & Legislation Comte.
Date xx, 2006

OAKLAND CITY COUNCIL

DRAFT
City Attorney

OFFICE OF THE CITY CLERK
RECORD

RESOLUTION No. _____ C.M.S.

2007 APR 26 PM 4:17 Introduced by Council President Pro Tempore Jean Quan

RESOLUTION DECLARING THE CITY OF OAKLAND'S SUPPORT FOR AB 45 – ASSEMBLYMEMBER SANDRE SWANSON'S BILL TO RETURN LOCAL GOVERNANCE TO THE OAKLAND SCHOOL BOARD

WHEREAS, the Oakland Unified School District (OUSD) has been in State receivership since 2003, having at that time received a \$100 million loan from the State upon discovery of severe financial disarray; and

WHEREAS, a State Administrator was appointed by Superintendent Jack O'Connell and empowered to assume total control of all aspects of the OUSD; and

WHEREAS, as a result of being in receivership, the governing board of OUSD had all of its rights, duties and powers removed, despite the district being found to be absent any intentional financial mismanagement or fraud; and

WHEREAS, the most recent report from the Fiscal Crisis and Management Assistance Team (FCMAT), which monitors OUSD's progress under the receivership, issued on September 30, 2006, recommended that the State Administrator return to the School Board local governing control of community relations and governance; and

WHEREAS, to date, Superintendent O'Connell has not returned authority over community relations and governance to the OUSD School Board as recommended by FCMAT; and

WHEREAS, SB 39, the legislation that triggered the total disempowerment of Oakland's elected School Board does not include a time line to gauge the progress deemed necessary for the return of local control; and

WHEREAS, the parents feel that under the current process where all decisions are made by the State Administrator who is not accountable to the community is arbitrary and unfairly open-ended because there is no time line;

WHEREAS, AB 45 restores accountability and transparency to the School Board and gives parents meaningful and constructive participation in the education of their children; now therefore be it

RESOLVED: that the City Council declares its Support for AB-45 – Education: Oakland Unified School District, which begins the process of restoring authority over the operational areas of community relations and governance, pupil achievement, personnel management and fiscal control to the Oakland School Board.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

DRAFT

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California