Remedying Educational Malpractice
Fact Finding Presentation

PERB CASE NO. SF-IM-3192-E
Najeeb Khoury, Panel Chair
Chuck King, Association Appointed Member
Roy A. Combs, District Appointed Panel Member
January 31st & February 1st, 2019
Introduction
Dennis Nelson, Chair, Home Instruction, PEC
Katherine Gibson, TK, Greenleaf TK-8
Lusa Lai, Second Grade, Lincoln
Patricia Segura, Newcomer TSA, Fremont High
Mark Fisher, Second Grade, Fruitvale
Doug Appel, CTA Staff, Emeritus
Keith Brown, ex officio member, OEA President
Tentative Agreements

TA 1: Ground Rules 2016-2017
TA 2: 2017-2020 Calendar MOU
TA 3: Status Quo Articles
TA 4: Article 8- Affirmative Action
TA 5: Article 23 Summer School Employment
TA 6: Article 14 Grievances
TA 7: Article 11 Leaves
Issues Remaining In Dispute at Impasse

- Article 1: Agreement
- Article 3: Definitions
- Article 6: Association Rights
- Article 10: Hours of Work
- Article 12: Assignment and Transfer
- Article 13: Evaluation
- Article 15: Class Size and Caseloads
- Article 17: Safety
- Article 21: Special Services
- Article 24: Compensation
- Article 25: Peer Assistance and Review

Source: OEA Request for Impasse Determination, 5/21/18
All Articles In Dispute Remained Unresolved at Conclusion of Mediation

Saliently, the District introduced a new packaged proposal at the last Mediation Session on 11/28/18 and identified it at the Bargaining Table as their new “Last Best Offer”

Subsequent Association email requests to memorialize in writing that the 11/28/18 Packaged Proposal constituted the District’s “Last Best Offer” have gone unanswered.
Background
Oakland Population- U.S Census Bureau

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>390,724</td>
<td>425,195</td>
</tr>
</tbody>
</table>

There are an estimated 58,677 school aged students, ages 5 to 18.

Source: U.S Census Bureau
Housing

“Oakland had 8,641 housing units under construction and 7,898 more in the pipeline as of August 2018”

Source: San Francisco Business Times 11/29/18 behind a paywall
OUSD Student Demographics

- Total Enrollment: 36,284
- 41.3% Latino
- 26.2% African American
- 13.6% Asian
- 11.1% White
- 45.8% speak a non-English language at home
- 30.8% are English Language Learners
- 12.7% are students receiving special education services.

OUSD is located in the heart of the Bay Area, and serves a diverse student population that includes 36,284 students.

Source: OUSD Internal Data Dashboard Enrollment 2018-2019
## Increase in Newcomer Enrollment

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014-2015</td>
<td>200</td>
</tr>
<tr>
<td>2015-2016</td>
<td>1,903</td>
</tr>
<tr>
<td>2016-2017</td>
<td>2,200</td>
</tr>
<tr>
<td>2017-2018</td>
<td>2,460</td>
</tr>
<tr>
<td>2018-2019</td>
<td>2,543</td>
</tr>
</tbody>
</table>

# Increasing Special Education Percentages Over Time

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014-15</td>
<td>10.1%</td>
</tr>
<tr>
<td>2015-16</td>
<td>11.0%</td>
</tr>
<tr>
<td>2016-17</td>
<td>11.7%</td>
</tr>
<tr>
<td>2017-18</td>
<td>12.0%</td>
</tr>
<tr>
<td>2018-19</td>
<td>12.7%</td>
</tr>
<tr>
<td>1/25/19</td>
<td>17.7%</td>
</tr>
</tbody>
</table>

Sources: OUSD Fast Facts 2014, 2015, 2016, 2017, 2018
SEIS printout: 1/25/19
Current SPED Numbers drawn from SEIS

Students
- Total: 7299
- Eligible: 6439
- Pending: 860

Follow Up
- Unaffirmed IEPs: 662
- Unaffirmed Amendments: 422
- Unsigned IEPs: 634

Located in Tab 0
Source: Screenshot from E-mail of 1-25-19 from Neena Bawa, Executive Director, Special Education
Effective Talent Programs:
Our work starts with our people. We need to make OUSD the premier employer for educators in the Bay Area.
Accountable School District:
A school district that supports its people is grounded in values and effective systems.
Quality Community Schools:
Every student deserves the right to attend a quality community school in their neighborhood

Source: OUSD LCAP 2016-2019
Both the Association and District incorporated these three LCAP priorities in their Sunshines of February 8 and February 22, 2017

Tab 8  Source: OEA SUNSHINE PROPOSAL NARRATIVE; OAKLAND UNIFIED SCHOOL DISTRICT INITIAL PROPOSALS TO THE OAKLAND EDUCATION ASSOCIATION FOR A SUCCESSOR AGREEMENT TO THE 2014-2017 CONTRACT.
Definition of Community School

A community school is both a place and a set of partnerships between the school and other community resources. Its integrated focus on academics, health and social services, youth and community development and community engagement leads to improved student learning, stronger families and healthier communities. Community schools offer a personalized curriculum that emphasizes real-world learning and community problem-solving. Schools become centers of the community and are open to everyone - all day, every day, evenings and weekends.

Located in tab 7

http://www.communityschools.org/aboutschools/what_is_a_community_school.aspx
How did we get here?
Impact of State Takeover in 2003

● 5 years before District regained some local control from the State
● Trustee requested full $100 million loan prior to returning to District Control
● Further Diverting of Funds Away From The Classroom toward District-Level Initiatives
● Proliferation of Charter Schools
Oakland as a Charter-Friendly District

- Trustee and subsequent Superintendents with close ties to Charter organizations
- School Board Majorities openly supported Charter (re)authorizations.
- Provision of District facilities, most with Long-Term Leases
- District staff embraced Common Enrollment despite Board positions supporting community opposition
- Currently contemplating Oakland as a “Portfolio” District (1Oakland)
Superintendents have seen Oakland as a stepping stone for advancement

- Short tenures: Average of 2.4 years
- Multiplicity of unsustainable initiatives for a California District that cannot yet compete financially with those on the right Coast due to the nature of Property Tax assessments.
Article 13 - Case In Point: Teacher Growth and Development System

● Embraced by Association and District as a Pilot Evaluation System seen as providing critical coaching through meaningful evaluation.
● Extended to Four-Years of Voluntary Participation Without Meeting State Evaluation Requirements
● Joint Committee Made Recommendations for formalization of TGDS in Article 13 with robust supports and safeguards
● In negotiations, District reduced recommended supports and safeguards
● Facing a resource-bare yet time-consuming TGDS “light,” Association proposed returning to the former Stull-Bill driven evaluation system.
Article 10: Case in Point: Hours of Work

- The District seeks to recoup the costs of a new Transportation contract for their growing Special Education Population by eliminating contractual limits on the start and end of the school day (8:00 - 3:45: Article 10.2.1)
- AM and PM double-routing enables fewer full-time bus drivers to operate fewer vehicles.
- Unfortunately, key stakeholders were not consulted, especially the families of our most vulnerable elementary Special Education students who would have to arise even earlier for (pre)dawn pick-up when they are routed first.
- Impact on students, families, communities, and teaching staff profound.
In 2017-2018

530 Teachers left OUSD

Source: OUSD Internal Data Dashboard
Retention of Teachers in OUSD
Teacher Retention

FACTS

Yearly Exodus: Over the past 12 years, OUSD has had an average of 2,307 teachers, of which 18.7% left each year.

Source: OUSD Internal Data Dashboard Retention of Teachers in OUSD
## Teacher Vacancies

<table>
<thead>
<tr>
<th>Year</th>
<th># of Teachers</th>
<th>Number of Vacancies</th>
<th>% of Vacancies Based on # of Teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-2017</td>
<td>2,474</td>
<td>697</td>
<td>28%</td>
</tr>
<tr>
<td>2017-2018</td>
<td>2,317</td>
<td>571</td>
<td>25%</td>
</tr>
<tr>
<td>2018-2019</td>
<td>2,319</td>
<td>565</td>
<td>24%</td>
</tr>
</tbody>
</table>

Source: OUSD Internal Data Dashboard
FACTS

On average, 76.4% of our teachers return to the same school the following year, and only an average of 52.7% are at that same school three years later.

<table>
<thead>
<tr>
<th>Network</th>
<th>Average Return NEXT YEAR</th>
<th>Average Return 3 YEARS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary 2</td>
<td>82%</td>
<td>61.9%</td>
</tr>
<tr>
<td>Elementary 3</td>
<td>79%</td>
<td>56.4%</td>
</tr>
<tr>
<td>Elementary 4</td>
<td>82.5%</td>
<td>63.5%</td>
</tr>
<tr>
<td>Middle School</td>
<td>67.3%</td>
<td>36.4%</td>
</tr>
<tr>
<td>High School</td>
<td>75.1%</td>
<td>50.2%</td>
</tr>
<tr>
<td>Elevation Network</td>
<td>68.8%</td>
<td>41.7%</td>
</tr>
</tbody>
</table>

Tab 6 Source: OUSD DRAFT(?) 2018-2019 LCAP Update p.16
Teacher Retention Rate at Hard to Staff Sites

Teacher Retention at Sites Over Time
Brookfield Village Elementary
Use this dropdown to pick which school to view.

Teacher Retention at Sites Over Time
West Oakland Middle School
Use this dropdown to pick which school to view.

Source: OUSD Internal Data Dashboard
Brookfield Village Elementary, West Oakland Middle School
## Impact on Student Achievement
### 2017-2018

<table>
<thead>
<tr>
<th>High School</th>
<th>% Proficient on ELA State Average 50%</th>
<th>% Proficient on Math State Average 39%</th>
<th>Teacher Retention 3 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castlemont</td>
<td>2%</td>
<td>Less than 1%</td>
<td>27.3%</td>
</tr>
<tr>
<td>Fremont</td>
<td>8%</td>
<td>Less than 1%</td>
<td>38.6%</td>
</tr>
<tr>
<td>Oakland Technical</td>
<td>54%</td>
<td>32%</td>
<td>67.5%</td>
</tr>
<tr>
<td>Oakland High</td>
<td>38%</td>
<td>17%</td>
<td>59.1%</td>
</tr>
</tbody>
</table>

Source: California Assessment of Student Performance and Progress (CAASPP) Report, administered through the online Smarter Balanced Summative Assessments and OUSD Internal Dashboard
OUSD Findings

“Findings: Nearly 70% of teacher respondents think about leaving OUSD several times a year or more. Top reasons for wanting to leave OUSD include Salary concerns (67%) and Housing/affordability in the Bay Area (61%), the level of work-related stress (61%), inadequate systems/processes of support (45%), meaningful professional development opportunities/training (38%), and lack of opportunities for advancement/career ladder (33%). Credentialing issues also were cited by 11% of teacher respondents.”
<table>
<thead>
<tr>
<th>District</th>
<th>Starting Salary</th>
<th>Average Salary</th>
<th>End Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Haven</td>
<td>$71,000</td>
<td>$94,000</td>
<td>$117,000</td>
</tr>
<tr>
<td>Fremont</td>
<td>$65,000</td>
<td>$89,000</td>
<td>$114,000</td>
</tr>
<tr>
<td>Pleasanton</td>
<td>$64,000</td>
<td>$90,000</td>
<td>$106,000</td>
</tr>
<tr>
<td>Livermore</td>
<td>$51,000</td>
<td>$77,600</td>
<td>$93,000</td>
</tr>
<tr>
<td>Berkeley</td>
<td>$51,000</td>
<td>$75,000</td>
<td>$92,000</td>
</tr>
<tr>
<td>Albany</td>
<td>$51,000</td>
<td>$72,000</td>
<td>$92,000</td>
</tr>
<tr>
<td>Alameda</td>
<td>$47,600</td>
<td>$73,000</td>
<td>$92,000</td>
</tr>
<tr>
<td>OAKLAND</td>
<td>$46,500</td>
<td>$63,000</td>
<td>$84,900</td>
</tr>
</tbody>
</table>

Source: All Data from District J-90 Reports
The Substitute Teacher Retention Crisis

Both parties agree that Substitute Teachers are critical members of the Teaching force:

New Language negotiated in Article 21.18: “Substitutes are an integral part of the school community and deserve to be treated as such.”
Centrality of Substitute Teachers

- A strong Substitute Teacher Pool provides day-to-day coverage and temporarily fills frequent long-term vacancies due to mid-year leaves or resignations.
- The Substitute Teacher Pool is a major pipeline for future classroom positions, especially during periods of teacher shortage.
- Substitute Teacher coverage helps alleviate classroom teacher frustration due to adding students to elementary classrooms and covering classes at secondary when substitutes are not available.
Difficult to Recruit and Retain Substitutes

● A composite of current Alameda County Daily and Long-Term rates exceeds Oakland’s.
● Alameda County average Daily Rate: $155; Oakland $139
● Alameda County average Long Term Rate: $175; Oakland $170
● Oakland Charter Schools pay Substitutes more than the County Average
● A BART ride away, San Francisco Unified pays $161 daily, $195 after 60 days, with bonuses for Long-Term assignments and High-Needs Schools.

Tab 10 Source: Spreadsheets Itemizing Substitute Pay in Alameda County
Why did District withdraw their Proposal providing a competitive daily rate for Substitute Teachers?

- District offered a $187.79 Daily rate on 4/23/18 (OUSD P-43, 24.1.3)
- By 4/30/18 (OUSD P-44E, 24.1.3), they were offering only a $150 Daily rate:
  1. The long term substitute rate shall be 75% of the TK-12 salary schedule column 1, step 1 (currently $187.79).
  2. The daily substitute rate shall be $150.00
  3. Substitutes working 120 days or more per year, shall be eligible for the retention bonus described in section 24.1.1

Source: OUSD P-43, 4/23/18; OUSD P-44E, 4/30/18
Why propose a cut in pay for scarce Long-Term Substitute Teachers?

- Currently after 60 days our OUSD Substitute Teachers make $(139.27 \times 30, \ 162.88 \times 30) = $9064.50.
- Current OUSD Proposal = $150 \times 60 = $9000, a net loss of $64.50
- In the unlikely event a Substitute teacher worked all 180 days they would receive an additional $967.50, or a mere 3.1% over the life of the contract.
- District proposal also makes it more difficult to accrue a retention bonus for the following year, moving from 60 days to 120 days (Article 21.18.9.4.2)
OEA proposal values Substitute Teachers

OEA proposal links their Daily, Long-Term, and Extended Pay to Bargaining Unit Compensation.

75% of TK 12 salary schedule Column 1, Step 1, for 1-30 days per year

85% of TK 12 salary schedule Column 1, Step 1, for 31-60 days per year

100% of TK 12 salary schedule Column 1, Step 1, for 60+ days per year

A justly compensated Substitute Teacher pool incentivizes overall teacher recruitment

Source: OEA P-46 4/30/18 Article 24.1
These hourly rates have not changed since July 2006!

Tab 13:

Source: OUSD/OEA Contract, Appendix 2, A-63
In an attempt to justify their Extra Duty offer OUSD deleted the highest 2006 hourly rates in their P-44E, 4/30/18 ($37.69 and $33.58)

<table>
<thead>
<tr>
<th>Extra Duty Hourly Rate</th>
<th>$26.61</th>
<th>Hourly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inservice Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participation in Approved Programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project and Curriculum Development</td>
<td></td>
<td>$15.96</td>
</tr>
<tr>
<td>Participant</td>
<td></td>
<td>$22.99</td>
</tr>
</tbody>
</table>

Extra Duty Rate

Step 1, Column 1
Hourly Rate
$41.73

Last OUSD Proposal: $35/hour

Last OEA Proposal: Linked to Step 6, Column 4, divided by 6 hours currently at $51.08/hour,

Source: OUSD Website, Labor and Employee Relations (OUSD Labor Contracts)
### Average Rent in Oakland, CA

<table>
<thead>
<tr>
<th></th>
<th>All rentals</th>
<th>Studio</th>
<th>1 Bed</th>
<th>2 Beds</th>
<th>3 Beds</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Average Rent</strong></td>
<td>$2,527</td>
<td>$1,761</td>
<td>$2,330</td>
<td>$3,191</td>
<td>$4,214</td>
</tr>
<tr>
<td><strong>Y-o-Y Change</strong></td>
<td>3%</td>
<td>5%</td>
<td>6%</td>
<td>-1%</td>
<td>2%</td>
</tr>
<tr>
<td><strong>Average Apartment Size</strong></td>
<td>729 sq. ft.</td>
<td>554 sq. ft.</td>
<td>674 sq. ft.</td>
<td>952 sq. ft.</td>
<td>1,261 sq. ft.</td>
</tr>
</tbody>
</table>

Source: Rent Cafe [Oakland, CA, Average Rental Trends](https://www.rentcafe.com/blog/research/oakland-ca-rental-rates/

Last updated Jan 2019
Median home price $739,000

Source: Zillow, Oakland Home Prices and Value, 1/25/19
Inadequate support systems: Lack of Basic Supplies
Inadequate support systems: Lack of Collaboration and Access with Specialized Personnel

- Article 21
- Special education specialists like Speech and Language Pathologists, Resource Specialists, Psychologists
- Nurses
- Counselors
Lack of Meaningful Professional Development

Common Questions from Teachers

“What are we learning about?”

“What’s the purpose of this PD?”
Lack of Meaningful Professional Development/Training

BTSA: More paper pushing than real support for new teachers

Teachers working on their credentials often feel conflicted between the expectations of the district and site coaching initiatives and those provided by their universities.
Lack of Opportunity for Advancement

- Current TA on Article 7: Employee Rights, provides for fully-functioning Faculty Councils (Article 7.2.3).
- OEA contract proposal in Article 6: Association Rights, seeks to encourage resolution of concerns before reaching grievance stage by compensating Site Reps with three extra duty hours monthly to collaborate with members and administrators (Article 6.1.8)
- As teachers work outside their classroom on school-wide initiatives, they should be compensated with extra duty pay that values their contributions.
- These contractual opportunities are consistent with LCAP goals.
Video

https://www.facebook.com/OaklandEA/videos/364457500770526/?t=10

Article 15 Class Sizes and Caseloads
Prioritizing Student Success

“The most statistically significant results from our preliminary findings relate to graduation and dropout rates: Approximately 72 percent of the students from smaller classes and 66 percent of the students from larger classes graduated on schedule in spring 1998.” STAR Project
Prioritizing Student Success

"Project STAR (Finn, 2002) found:

- Students in smaller classes did better than those in larger classes throughout the K-3 grades;
- Minority and inner-city children gained the most from smaller classes; and
- The more years spent in reduced classes, the longer lasting the benefits.”

Sites with High Needs Students

The LCAP highlights the needs of students who qualify for free and reduced lunch, English Language Learners and Foster Youth.

Under article 15 Class sizes (P45 on 4/30/18), OEA proposed twice the reduction in class size for sites with over 80% unduplicated pupil percentage.

Source: OEA P-45, Article 15, 4/30/18
Newcomer Students Affected

Newcomer students tend to be from low income families, speak another language other than English as their primary language, have suffered extreme traumas and often times reunite with unknown family members or live with complete strangers.

Under Article 21: Special Services and Specialized Assignments (P41 3/12/18), OEA proposed new contract language to support lower class sizes, SPED resources and other supports to best serve the newcomer population.

Source: OEA P-41, Article 21, 3/12/18
Special Education Teacher Retention

- Relatively low SDC caseloads (13 for Mild/Moderate, 10 for Moderate/Severe) have kept ever scarcer SPED teachers in Oakland, enabling students to succeed.
- District Proposes Raising TK-12 SDC ratios to 15/12.
- OEA proposes continuing current class maximums, with substantial teacher payments for overages to discourage overcrowding our SDCs.

TAB 9  Source: OUSD P-36 (Article 15.10.2), 3/19/18; OEA P-45 (Article 15.10.1), 4/30/18
Teacher Retention + Small Class Size + Low Caseloads + Environmental Justice = Student Success
Lower Case Loads
In a District that disproportionately serves Newcomers, Special Education students, and those matching criteria for Free and Reduced Lunch, English Language Learners, and Foster Youth (High Duplicated Pupil Percentage), it is not surprising that educators serving Special Caseloads (Article 21) have particularly onerous responsibilities.
Counselors

The American School Counselor Association (ASCA, 2005) recommends a ratio of 1 counselor to 250 students.

With the District’s A-G Eligible Graduation requirements, and interventions on behalf of a burgeoning number of students with mental health issues, counselor responsibilities have increased.

And yet, the District is suggesting increasing Counselor ratios (6th grade and up) from the current 600:1 to 650:1

Tab 7: Source: https://www.umass.edu/schoolcounseling/uploads/brief5.3.pdf
“The National Association of School Nurses (NASN) recommends “a formula-based approach with minimum ratios of nurses-to-students depending on the needs of the student populations as follows: 1:750 for students in the general population, 1:225 in the student populations requiring daily professional school nursing services or interventions,”

Currently OUSD Nurses are understaffed even at the 1350:1, ratio, due to numerous vacancies and leaves, with daily travel to sites without nursing to serve students with diabetes and other daily monitoring needs. They also complete the District’s inordinate number of Initial and Triennial Health Assessments.

*Tab 7 Source of NASN data:
Psychologists

“Schools should be enabled to hire more school based mental health professionals . . . the recommended ratio for school psychologists is 500-700:1 (NASP Model for Comprehensive and Integrated School Psychological Services).”

Even at the OEA proposed 700:1 ratio, psychologists’ responsibilities for thorough Special Education assessments, in a District that has blown through the 15% threshold, and is rapidly approaching 20% (minimally 17.7% SPED population), continue to multiply.

Pursuing interns and substitute psychologists can somewhat lesson uncompensated overtime for outside the workday report writing.

Tab 7    Source: NASP_School_Safety_Recommendations_January 2013
Speech and Language Pathologists

● There are no currently no contractual limits for SLP caseloads (Article 21.11)
● OEA proposal of 40:1, with further reductions for travel, and limitations on initial assessments is designed to recruit and retain SLPs in a very competitive private and public market.
● *Large caseloads limit student outcomes, particularly desired co-teaching of language-based lessons, increase Medicaid billing responsibilities, and increase the likelihood of mediation/due process cases over non delivery of services.

Tab 7 *Source: https://www.asha.org/PRPSpecificTopic.aspx?folderid=8589934681&section=Key_Issues
Recruiting and Retaining Case Managers for Special Education Students

- Resource Specialists preside over an inordinate number of new assessments, and support students across grade-levels and subjects, frequently traveling between sites. Lower caseloads are needed.
- The District embarked on a substantial Inclusion Initiative without updated contractual language for Inclusion Specialists. This needs to be remedied.

Tab 9  Source: OEA P- 41 (Article 21.14 and Article 21.15), 3/12/18
Environmental Justice
Environmental Justice

a. Safe environment (Toxic free environment: lead, mold, asbestos)
b. Sanctuary district
c. Restorative Justice

Tab 7: Source: Resolution 1617-0089 v3 (as amended): “Approval of Resolution Reaffirming District Facilities, Programs are a Sanctuary for Children and Adults, 12/14/16
### Oakland Public School Enrollment

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TK</td>
<td>N/A</td>
<td>598</td>
<td>653</td>
<td>677</td>
<td>721</td>
<td>602</td>
</tr>
<tr>
<td>K-5</td>
<td>20,317</td>
<td>19,987</td>
<td>19,879</td>
<td>19,322</td>
<td>19,200</td>
<td>18,874</td>
</tr>
<tr>
<td>6-8</td>
<td>7,523</td>
<td>7,369</td>
<td>7,140</td>
<td>7,013</td>
<td>7,161</td>
<td>7,005</td>
</tr>
<tr>
<td>9-12</td>
<td>9,200</td>
<td>9,193</td>
<td>9,403</td>
<td>9,656</td>
<td>9,818</td>
<td>9,805</td>
</tr>
<tr>
<td>Total</td>
<td>37,040</td>
<td>37,147</td>
<td>37,075</td>
<td>36,668</td>
<td>36,900</td>
<td>36,286</td>
</tr>
</tbody>
</table>

OUSD Public School enrollment has decreased by 754 students over the last 6 years.

Charter School enrollment in Oakland

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TK</td>
<td>N/A</td>
<td>N/A</td>
<td>90</td>
<td>81</td>
<td>88</td>
<td>126</td>
</tr>
<tr>
<td>K-5</td>
<td>N/A</td>
<td>4,192</td>
<td>4,634</td>
<td>5,194</td>
<td>5,101</td>
<td>5,150</td>
</tr>
<tr>
<td>6-8</td>
<td>N/A</td>
<td>3,579</td>
<td>3,794</td>
<td>3,974</td>
<td>3,976</td>
<td>4,162</td>
</tr>
<tr>
<td>9-12</td>
<td>N/A</td>
<td>3,263</td>
<td>3,459</td>
<td>3,683</td>
<td>4,054</td>
<td>4,353</td>
</tr>
<tr>
<td>Total</td>
<td>10,287</td>
<td>11,034</td>
<td>11,977</td>
<td>12,932</td>
<td>13,219</td>
<td>13,791</td>
</tr>
</tbody>
</table>

During the same six years, charter school enrollment has increased by 3,504.

Oakland’s Enrollment

Overall, Oakland’s enrollment has increased 2,750 students over the last 6 years.

Oakland’s school age population is increasing.

Had these students enrolled in OUSD schools, they would have brought with them an increase in revenue, at 2018-19 rates, of over $44 Million.

And now the Board is contemplating a new round of school closures as they blame “excess inventory” for what should more accurately be deemed financial misallocation if not financial management as they continue to prioritize District initiatives over the classroom.

Compelled to seek education further from their neighborhood schools, families may well choose charters, further siphoning off limited public school resources.
Financial Impact of Charter Schools

- *Breaking Point Report states that upwards of $50 million annually is drained from OUSD schools by charters.
- **While state law constrains OUSD’s ability to act, District Policies (BP 6006 among others) and practices, encourage the growth of charters at the expense of District schools.
  - Long term leases
  - Co-locations
  - Enrollment support
  - Parcel Tax Revenues Shared With Charters (Measure N and G1)

*Source: Tab 7 Breaking Point, In The Public Interest, May 2018
**Source Tab 7 Charter Schools in District Facilities.
Recent Kipp Charter @ Lafayette Lease

- Maximum 5 year joint use agreement not applicable due to provisions for District-provided capital improvements.
- Thus Kipp entered into a 40 year lease (20 year term, and two 10 year options).
- The 40 year lease’s 250k annual facilities fee is nearly completely subsidized by an offset of District-provided capital improvements to the tune $9.9 million.
- Can any District afford to subsidize the wholesale exodus of their students?

Source: 16-1442 Amendment (No.1) Joint Use Agreement. Kipp Bridge Charter School @ Lafayette Elementary School Complex
District Administration Defies Board and Community Opposition to “Common Enrollment”

- OUSD, Enrollment Options Guide 2015-16 devoted three pages to a listing of charter schools, (pp. 113-15), after extensive one-page write-ups of the District’s public schools.
- By 2016-2017, all schools within Oakland were featured in a glossy Options Guide, with one-page Charter School write-ups appearing first.
- In January 2018, The OUSD Student Assignment Office unveiled a new School Finder Web Site (https://oaklandfinder.schoolmint.net/school-finder/home) that allowed families to look for charter and public schools near their home, and filter for a variety of factors.
- There are currently two application search bars: “Apply to District Schools” and “Apply to Charter Schools”
Charters under serve students with disabilities

Figure 1:

<table>
<thead>
<tr>
<th>Condition</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Education Funding</td>
<td>30%</td>
</tr>
<tr>
<td>Special Education Students</td>
<td>25%</td>
</tr>
<tr>
<td>Emotional Disturbance</td>
<td>20%</td>
</tr>
<tr>
<td>Autism</td>
<td>15%</td>
</tr>
<tr>
<td>Intellectual Disability</td>
<td>10%</td>
</tr>
<tr>
<td>Multiple Disabilities</td>
<td>5%</td>
</tr>
</tbody>
</table>

Source: In the Public interest.org Breaking Point: The Cost of Charter Schools for Public School Districts 5/18
Summary of Financial Impact of Charter Schools

- Charters avoid costliest students (SPED, Newcomers),
- SELPA distribution rules based on percentage of enrollment, not percentage of SPED.
- *Charters contribute to segregation, with many schools having ethnically isolated populations.

TAB 7: *Source: 2017-18 Charter Enrollment by Ethnicity, OUSD Office of Charter Schools
Financial Analysis
Comparability (Tab 12)
Oakland Teachers are the lowest paid in Alameda County...
This is true at all stages in their career...
Salary of Fully Credentialed Teachers at BA+30 Step 1

- New Haven: $71,457
- Fremont Unit: $67,448
- Pleasanton: $64,529
- Hayward: $62,212
- San Leandro: $61,100
- Newark Unit: $60,708
- Castro Valley: $54,692
- San Lorenzo: $52,978
- Berkeley Unit: $52,654
- Livermore: $51,692
- Albany City: $51,222
- Alameda: $48,118
- Oakland Unit: $46,847

All Data From District J-90 Reports

D. Appel, CTA/NEA, Emeritus
Salary of Fully Credentialed Teachers at BA+75 Step 12

- New Haven: $98,463
- Harvard Unit: $97,483
- Pleasanton: $96,014
- San Leandro: $94,685
- Fremont Unit: $94,110
- Newark Unit (B): $92,502
- Castro Valley: $89,830
- San Lorenzo: $89,794
- Livermore: $83,417
- Berkeley Unit: $81,526
- Albany City: $76,824
- Alameda Unit: $75,962
- Oakland Unit: $59,460

All Data From District J-30 Reports

OEA/CTA/NEA
D. Appel, CTA/NEA, Emeritus
Salary of Fully Credentialed Teachers at Maximum Salary - MA Incl’d

- $117,810  New Haven Unif
- $114,636  Fremont Unif (BSC)
- $111,075  San Leandro Unif (B)
- $106,635  Pleasanton Unif (BS)
- $106,308  Newark Unif (B)
- $104,660  San Lorenzo Unif (C)
- $103,784  Hayward Unif (BC)
- $101,951  Castro Valley Unif (S)
- $99,397  Livermore Valley Joint Unif
- $92,910  Albany City Unif (S)
- $92,399  Berkeley Unif (C)
- $92,350  Alameda Unif (C)
- $84,924  Oakland Unif (SC)

All Data From District J-96 Reports

OEA/CTA/NEA
D. Appel, CTA/NEA, Emeritus
Career Earnings - 10 Years

All Data From District J-90 Reports

OEA/CTA/NEA

D. Appel, CTA/NEA Emeritus
Over the course of a career, Oakland teachers earn as much as $750,000 less than their peers in other Alameda County Districts.
...And costing them dearly in retirement.
Tab 10

Monthly Retirement Income - Age: 62 - Years: 32

<table>
<thead>
<tr>
<th>Location</th>
<th>Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Haven</td>
<td>$7,489</td>
</tr>
<tr>
<td>Fremont Unit</td>
<td>$7,335</td>
</tr>
<tr>
<td>San Leandro</td>
<td>$7,023</td>
</tr>
<tr>
<td>Pleasanton</td>
<td>$6,775</td>
</tr>
<tr>
<td>Newark Unit</td>
<td>$6,140</td>
</tr>
<tr>
<td>San Lorenzo</td>
<td>$6,602</td>
</tr>
<tr>
<td>Harvard Unit</td>
<td>$6,575</td>
</tr>
<tr>
<td>Castro Valley</td>
<td>$6,393</td>
</tr>
<tr>
<td>Albany City</td>
<td>$5,907</td>
</tr>
<tr>
<td>Livermore</td>
<td>$5,807</td>
</tr>
<tr>
<td>Alameda Unit</td>
<td>$5,765</td>
</tr>
<tr>
<td>Berkeley Unit</td>
<td>$5,358</td>
</tr>
<tr>
<td>Oakland Unit</td>
<td>$5,358</td>
</tr>
</tbody>
</table>

All Data From District J-90 Reports

D. Appel, CTA/NEA, Emeritus
What about Health Benefits?

<table>
<thead>
<tr>
<th>District</th>
<th>BA+60</th>
<th>Health Benefit Contribution</th>
<th>Total</th>
<th>RANK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Names</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Names</td>
<td>STEP 10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alameda Unified (C)</td>
<td>$68,507</td>
<td>$5,062.00</td>
<td>$73,569</td>
<td>13</td>
</tr>
<tr>
<td>Albany City Unified (S)</td>
<td>$68,927</td>
<td>$21,002.85</td>
<td>$89,930</td>
<td>2</td>
</tr>
<tr>
<td>Berkeley Unified (C)</td>
<td>$72,595</td>
<td>$7,417.19</td>
<td>$80,012</td>
<td>11</td>
</tr>
<tr>
<td>Castro Valley Unified (S)</td>
<td>$77,920</td>
<td>$4,372.89</td>
<td>$82,293</td>
<td>10</td>
</tr>
<tr>
<td>Fremont Unified (BSC)</td>
<td>$87,958</td>
<td>$0.00</td>
<td>$87,958</td>
<td>3</td>
</tr>
<tr>
<td>Hayward Unified (BC)</td>
<td>$86,144</td>
<td>$0.00</td>
<td>$86,144</td>
<td>5</td>
</tr>
<tr>
<td>Livermore Valley Joint Unified</td>
<td>$75,629</td>
<td>$8,266.53</td>
<td>$83,896</td>
<td>7</td>
</tr>
<tr>
<td>New Haven Unified</td>
<td>$91,414</td>
<td>$609.32</td>
<td>$92,023</td>
<td>1</td>
</tr>
<tr>
<td>Newark Unified (B)</td>
<td>$84,249</td>
<td>$0.00</td>
<td>$84,249</td>
<td>6</td>
</tr>
<tr>
<td>Oakland Unified (SC)</td>
<td>$64,124</td>
<td>$13,419.00</td>
<td>$77,543</td>
<td>12</td>
</tr>
<tr>
<td>Pleasanton Unified (BS)</td>
<td>$86,352</td>
<td>$0.00</td>
<td>$86,352</td>
<td>4</td>
</tr>
<tr>
<td>San Leandro Unified (B)</td>
<td>$83,002</td>
<td>0</td>
<td>$83,002</td>
<td>9</td>
</tr>
<tr>
<td>San Lorenzo Unified (C)</td>
<td>$76,562</td>
<td>$6,540.43</td>
<td>$83,102</td>
<td>8</td>
</tr>
<tr>
<td>ARRAY AVERAGE</td>
<td>$78,722</td>
<td></td>
<td>$83,852</td>
<td></td>
</tr>
<tr>
<td>ARRAY MEDIAN</td>
<td>$77,920.00</td>
<td></td>
<td>$83,896.00</td>
<td></td>
</tr>
</tbody>
</table>

Source: 2016-17 J-90, OUSD HBGB formula
Balance of data in Tab 10
In fact, when compared to other large urban districts in California...
You’ll find the rest of the benchmark charts in Tab 10.
In fact, when compared to other large urban districts in California...

Tab 10
In fact, when compared to other large urban districts in California...
In fact, when compared to other large urban districts in California...

Tab 10
How does Oakland’s per pupil revenue compare?
Oakland gets the 2nd most revenue of unified districts in Alameda County…
Tab 10
..And substantially more than most other large urban Districts.

Tab 10
To recap, Oakland Unified receives a relatively large amount of revenue per ADA, but spends comparatively less on the salary and benefits of educators. So, where does the money go?
Quite a bit, as it turns out, to administrators.

Tab 10
And this isn’t new--it’s been going on for quite some time.

Tab 10
Oakland is unique among California Unified School Districts.

The Average Unified District, Excluding Oakland, Spends 5.58% of Total Outgo On Administrator Salaries.

Oakland Stands Alone in High Administrative Costs.
There’s another area where Oakland’s expenditures vary significantly from other California school districts...
Oakland spends a disproportionate amount on outside service providers and consultants.

Tab 10
Oakland Unified has declared a financial crisis. How can it afford the kind of increased services OEA is saying are necessary?
Oakland has seen a large increase in unrestricted state revenue over the past five years....
On a per pupil basis, this provides great opportunity to achieve their stated LCAP priorities re: talent recruitment and retention.
Year over year percentage increases in unrestricted revenue are also considerable.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3.05%</td>
<td>11.57%</td>
<td>13.15%</td>
<td>5.04%</td>
<td>3.20%</td>
</tr>
</tbody>
</table>

Tab 10 Source FCMAT Calculator
Yet OUSD maintains it has an enormous structural deficit and must make substantial spending cuts and close “uneconomic schools.”
Yet they finished the 2017-18 fiscal year with a substantial unrestricted surplus.

---

### Oakland Unified Alameda County

#### General Fund

**Unrestricted and Restricted Expenditures by Object**

<table>
<thead>
<tr>
<th>Description</th>
<th>Resource Codes</th>
<th>Object Codes</th>
<th>Unrestricted (A)</th>
<th>Restricted (B)</th>
<th>Total Fund col. A + B (C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)</td>
<td></td>
<td></td>
<td>14,399,111.25</td>
<td>14,924,598.07</td>
<td>29,323,709.32</td>
</tr>
<tr>
<td>F. FUND BALANCE, RESERVES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Beginning Fund Balance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) As of July 1 - Unaudited</td>
<td>9791</td>
<td></td>
<td>3,420,072.84</td>
<td>20,055,782.39</td>
<td>23,475,855.23</td>
</tr>
<tr>
<td>b) Audit Adjustments</td>
<td>9799</td>
<td></td>
<td>155,776.36</td>
<td>3,632,514.00</td>
<td>3,788,290.36</td>
</tr>
<tr>
<td>c) As of July 1 - Audited (F1a + F1b)</td>
<td></td>
<td></td>
<td>3,575,849.20</td>
<td>23,688,296.39</td>
<td>27,264,145.59</td>
</tr>
<tr>
<td>d) Other Restatements</td>
<td>9795</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>e) Adjusted Beginning Balance (F1c + F1d)</td>
<td></td>
<td></td>
<td>3,575,849.20</td>
<td>23,688,296.39</td>
<td>27,264,145.59</td>
</tr>
<tr>
<td>2) Ending Balance, June 30 (E + F1e)</td>
<td></td>
<td></td>
<td>17,974,960.45</td>
<td>38,612,894.46</td>
<td>56,587,854.91</td>
</tr>
</tbody>
</table>

Components of Ending Fund Balance
Even before the Governor’s proposed budget, OUSD projected a significant increase in unrestricted funding for 2018-2019.
But, somehow OUSD budgeted additional expenditures of over $56 million.

<table>
<thead>
<tr>
<th></th>
<th>2018-19 Unaudited Actuals</th>
<th>2018-19 Adopted Budget</th>
<th>2018-19 1st Interim</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SALARY &amp; BENEFITS</strong></td>
<td>$424,722,152</td>
<td>$445,094,661</td>
<td>$445,658,718</td>
</tr>
<tr>
<td><strong>Books &amp; Supplies</strong></td>
<td>$14,030,705</td>
<td>$30,620,636</td>
<td>$47,157,466</td>
</tr>
<tr>
<td><strong>Services &amp; Other OpExp</strong></td>
<td>$84,622,492</td>
<td>$79,916,837</td>
<td>$90,542,757</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td>$1,125,172</td>
<td>$38,847</td>
<td>$7,377,189</td>
</tr>
<tr>
<td><strong>Other Outgo</strong></td>
<td>$9,235,107</td>
<td>$29,010,746</td>
<td>$16,611,496</td>
</tr>
<tr>
<td><strong>Transf Dir/Indir Costs</strong></td>
<td>-$1,741,349</td>
<td>-$1,293,519</td>
<td>-$1,348,217</td>
</tr>
<tr>
<td><strong>Interfund Transfers Out</strong></td>
<td>$1,963,079</td>
<td>$1,790,000</td>
<td>$1,790,000</td>
</tr>
<tr>
<td><strong>Other Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL OUTGO</strong></td>
<td>$533,957,358</td>
<td>$585,178,208</td>
<td>$607,789,409</td>
</tr>
</tbody>
</table>
OUUSD HAS A BUDGET CREDIBILITY PROBLEM THAT STRETCHES BACK YEARS
For Example:
The Alameda Civil Grand Jury Found:

Finding 18-6: Staff and Board of Education efforts to circumvent established budgeting policies along with board efforts to interfere in the administrative responsibilities of the superintendent invite financial instability and contribute to Oakland Unified School District’s financial problems.

Finding 18-7: Oakland Unified School District’s inability to control overstaffing and poor position control decisions have contributed to the district’s financial instability.
While we don’t agree with every finding of the Grand Jury, these seem common sensical
Final Remarks
In conclusion….

- BOTH OUSD AND OEA STATE THAT ATTRACTION AND RETENTION OF HIGHLY SKILLED EDUCATORS ARE A PRIORITY.
- DESPITE THIS, A FIFTH OF OAKLAND EDUCATORS LEAVE EACH YEAR, DISPROPORTIONATELY THOSE WORKING IN SCHOOLS WITH HIGH NEEDS POPULATIONS. THIS RESULTS IN INSTABILITY FOR THE VERY STUDENTS WHO CAN LEAST AFFORD IT.
- THOSE EDUCATORS CITE POOR COMPENSATION, CLASS SIZE, AND SUPPORT AS REASONS FOR LEAVING.
- OUSD HAS THE ABILITY TO PROVIDE GREATER COMPENSATION AND SUPPORT BUT HAS THUS FAR NOT CHOSEN TO DO SO.
In conclusion...

- TO ATTRACT AND RETAIN THE BEST EDUCATORS, OUSD MUST REDIRECT RESOURCES FROM ADMINISTRATION AND OUTSIDE SERVICE PROVIDERS AND USE THEM TO PROVIDE ADDITIONAL COMPENSATION TO CERTIFICATED STAFF, LOWER CLASS SIZES PARTICULARLY FOR OUR MOST VULNERABLE STUDENTS, AND FUND ADDITIONAL SUPPORT SERVICES TO STUDENTS.