

ASSEMBLY BILL

No. 45

Introduced by Assembly Member Swanson

December 4, 2006

An act to add Section 41329.4 to the Education Code, relating to the Oakland Unified School District.

LEGISLATIVE COUNSEL'S DIGEST

AB 45, as introduced, Swanson. Oakland Unified School District: governance.

(1) Existing law requires the Superintendent of Public Instruction to assume all the rights, duties, and powers of the governing board of the Oakland Unified School District and to appoint an administrator to act on behalf of the Superintendent in exercising the authority of the Superintendent over the school district. Existing law continues the authority of the Superintendent and the administrator over the school district until certain enumerated conditions are met, including the completion of an improvement plan for the district. Existing law requires the County Office Fiscal Crisis and Management Assistance Team (FCMAT) to prepare the improvement plan for the school district, as provided, by July 1, 2003, and requires the FCMAT to report on the implementation of the plan, as specified.

This bill would require the Superintendent to immediately return the rights, duties, and powers regarding the operational areas of community relations and governance, facilities management, personnel management, and pupil achievement to the governing board of the Oakland Unified School District. The bill would require the Superintendent to continue through the state administrator to exercise all of the rights, powers, and duties of the governing board of the Oakland Unified School District

with regard to the operational area of financial management. The bill would require the governing board of the school district to serve as an advisory body to collaborate with the state administrator concerning the operational area over which the Superintendent continues to exercise authority for the time period in which that authority is exercised.

Existing law requires the governing board of the Oakland Unified School District to serve without compensation as an advisory body during the period that the Superintendent is exercising authority over the district.

This bill would entitle the members of the governing board to receive the same compensation they would have received prior to the transfer of authority to operate the district to the Superintendent.

(2) This bill would declare that due to the unique circumstances regarding governance of the school district, a general statute cannot be made applicable.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Providing a quality education that meets the unique needs
4 of Oakland public school pupils is a fundamental goal that should
5 not be jeopardized. On September 30, 2006, the County Office
6 Fiscal Crisis and Management Assistance Team (FCMAT)
7 recommended, in its fourth progress report on the improvement
8 plan of the Oakland Unified School District, that the operational
9 area of community relations and governance be returned to the
10 district, and reported that the district has made continued progress
11 in the operational areas of facilities management and pupil
12 achievement.

13 (b) The Oakland Unified School District has made demonstrable
14 academic improvements over the last few years, demonstrated by
15 test score improvements, an increased number of fully credentialed
16 teachers in Oakland classrooms, and increased parental and
17 community involvement. In 2006, the Oakland Unified School
18 District made the largest improvement in API test scores among
19 the 33 largest unified school districts in California.

1 (c) The community of the Oakland Unified School District has
2 the will to continue the key educational reforms that have benefited
3 Oakland public school pupils in the last three years and to support
4 difficult decisions in order to immediately eliminate all further
5 overspending by the district.

6 SEC. 2. (a) It is the intent of the Legislature that the state
7 administrator appointed pursuant to subdivision (b) of Section 4
8 of Chapter 14 of the Statutes of 2003 should continue to work with
9 the present administrators and governing board of the Oakland
10 Unified School District to identify the procedures and programs
11 currently implemented by the district that have proven to do one
12 or more of the following:

- 13 (1) Significantly raise pupil achievement.
- 14 (2) Improve pupil attendance.
- 15 (3) Lower pupil dropout rate.
- 16 (4) Increase parental involvement.
- 17 (5) Attract, retain, and train a quality teaching staff.

18 (b) It is the intent of the Legislature that the procedures and
19 programs identified pursuant to subdivision (a) be protected,
20 maintained, and expanded as the budget of the district allows.

21 SEC. 3. The Legislature finds and declares both of the
22 following:

23 (a) Due to the continued improvement and progress made by
24 the Oakland Unified School District in the operational areas of
25 community relations and governance, facilities management, and
26 pupil achievement, it is necessary that the rights, duties, and powers
27 regarding those areas to be returned to the governing board of the
28 district.

29 (b) It is necessary that the Superintendent of Public Instruction
30 continue to maintain control of the operational areas of personnel
31 management and financial management in order to ensure the
32 return of the district to fiscal solvency.

33 SEC. 4. Section 41329.4 is added to the Education Code, to
34 read:

35 41329.4. (a) Notwithstanding any provision of Chapter 14 of
36 the Statutes of 2003, the Superintendent shall immediately return
37 the rights, duties, and powers regarding the operational areas of
38 community relations and governance, facilities management,
39 personnel management, and pupil achievement to the governing
40 board of the Oakland Unified School District. The Superintendent

1 shall continue, through the state administrator appointed pursuant
2 to subdivision (b) of Section 4 of Chapter 14 of the Statutes of
3 2003, to exercise all of the rights, powers, and duties of the
4 governing board of the Oakland Unified School District with regard
5 to the operational area of financial management.

6 (b) For the period of time during which the Superintendent
7 continues to exercise the authority described in subdivision (a)
8 through the state administrator, the governing board of the Oakland
9 Unified School District shall serve as an advisory body to
10 collaborate with the administrator concerning that operational area.

11 (c) Notwithstanding any provision of Chapter 14 of the Statutes
12 of 2003, the members of the governing board shall be entitled to
13 receive the full compensation that would have been payable prior
14 to the transfer to the Superintendent of the rights, duties, and
15 powers to operate the Oakland Unified School District.

16 SEC. 5. The Legislature finds and declares that due to the
17 unique circumstances regarding governance of the Oakland Unified
18 School District, a general statute cannot be made applicable within
19 the meaning of Section 16 of Article IV of the California
20 Constitution.