



MINUTES

Francophone Charter School of Oakland
Board of Directors Regular Meeting
9736 Lawlor Street, Oakland, CA
Thursday, January 23, 2020 at 7:00 PM

I. OPENING ITEMS

A. Call to Order 7:04PM

B. Roll Call

Table with 4 columns: Board Member Name, Additional Location, Present, Absent. Rows include Annette Dennett, Carolyn Choy, Daniel Kokodoko, David Phillips, Erin O'Donohue, Frédéric Boulay, Hervé Bruckert, and Jean Johnstone.

Guests:
Mark Kushner, Interim Exec. Dir.

C. Approval of Agenda: Frederic moves to approve advancing facilities discussion, Annette seconds, all in favor

Table with 4 columns: Board Member Name, Yes, No, Abst. Rows include Annette Dennett, Carolyn Choy, Daniel Kokodoko, David Phillips, Erin O'Donohue, Frédéric Boulay, Hervé Bruckert, and Jean Johnstone.

D. Consent Agenda
Annette moves to approve the consent agenda with minor edits, Carolyn seconds, Erin and Herve vote yes, Frederic abstains

- 1. Board Meeting Minutes: 12/16/2019

II. PUBLIC COMMENT

Non-agenda items: Public comments on non-agenda items shall be made at the beginning of the Board meeting. No individual presentation shall be for more than 2 minutes and the total time for this purpose shall not exceed twenty (20) minutes. Ordinarily, Board members will not respond to presentations and no action can be taken.
Agenda items: Please add your name to the "request to speak" form if you would like to speak on an agendized item. When that item comes up, you will be asked to stand, state your name for the record and make your presentation. No individual presentation shall be for more than 3 minutes.
Non-English speakers who utilize a translator shall receive twice the allotted time to address the legislative body, unless simultaneous translation equipment is used.
The full public comment policy is available in the Board meeting binder.

There was a public comment from a parent about ongoing inadequate special education staffing at the school.
There was a second public comment echoing concerns about special education staffing lapses and impact on students.
There was a public comment about availability of minutes and suggesting videorecording of meetings.
There was a public comment acknowledging difficulty of last 6 months and raising concerns about the objectivity of the board.

III. ACTION AND DISCUSSION ITEMS

A. Executive Director Report – (Mark Kushner/Staff)

Special Ed update: Director of Special Ed decided at the end of her maternity leave not to return to Francophone, then newly-contracted employee backed out at last minute. Former Director of Special Ed has agreed to work on a limited contractor basis, Mark and Annie are still spending significant time searching for any credentialed SPED teachers who can step in mid-year. There is a SPED teacher shortage in the Bay Area impacting many schools and districts. We are now significantly out of compliance, as are OUSD and SFUSD. This remains a top priority item, staff is working actively on it, but we have not been able to solve it yet and acknowledge the impact this is having on students and families.

Question about enrollment—Feb 7 enrollment window closes. Outreach effort, both external and internal, being systematized for next year.

A question re: compliance with independent contractor law changes. Frederic will update Mark on recent changes to the law.

Question about disaggregation of academic data by race. Anecdotally it seems as if many Francophone families are not choosing to identify themselves as belonging to particular subgroups; data may also seem skewed due to a relatively high percentage of multiracial students at Francophone.

B. Head of School Hiring Updates – (Erin/Leadership Search Committee)

There was a public comment about why the job description does not require the Head of School to be a French speaker.

Edgility has proactively reached out to 790 individuals about the position; 44 qualified applicants have submitted a formal application; 15 have been invited to submit a video interview. 2 more rounds of preliminary interviews by Edgility and Francophone's search committee are planned. Goal is to identify 2 or 3 finalist candidates by mid-February, and then invite them to school for a series of meetings with parents/teachers/board. Any member of the community who would like to participate will be invited to give feedback.

C. Oakland Education Narrative Shapers-Feb. 5 Meeting Info (Erin)

Any parents, staff or other members of our community who would like to participate in a training on advocating for quality schools in Oakland and encouraging more fact-based discussion of charter/district issues in Oakland should contact Erin.

Important upcoming elections this year for a majority of board seats for OUSD and ACOE. First up is March 3, 2020 election. Francophone cannot support or endorse any candidates, but encourages school community to learn about and participate in the election, as it could have an impact on our school.

D. January Enrollment

There was a public comment about TK enrollment birthdates.

There have been past discussions of whether to enroll TK students mid-year, various pros and cons were discussed. Ultimately, if there is classroom and teacher capacity it was decided that this made good sense for the school financially and could positively impact enrollment.

Erin moves to authorize Mark to enroll children in TK mid-year so long as they have reached the age of 5, pending advance verification of legality with Young, Minney & Corr. Annette seconds, all in favor.

E. Standing Committees

a. Finance/Audit Update (Frederic & Daniel)

i. Financial Report/Updates

There was a public comment about current deficit and impact on the school, and suggesting that TK should not be offered as it contributes less revenue to the school.

There was another public comment suggesting adding 2 days to the school calendar and expressing the importance of TK as a service to the community.

We have adequate reserve to cover the enrollment deficit, but not to absorb any additional crises during this budget year.

Frederic explained cyclical cash flow challenges and need for occasional receivable loans. School has historically had to rely on receivable loans, as do many charters, though in recent years we have relied less on receivables due to reserve.

Reaffirmed that the board has prioritized reserve spenddown vs. any salary/position cuts.

Herve asked for Mark to prepare a list of assumptions for next year's budget process around enrollment and staffing.

b. Governance Update (David/Erin)

There was a public comment about over-representation of parents on board, in excess of bylaws, and parent-elected board member departure not feeling right/not being announced to the community.

- i. Retreat
- ii. Board Self-Assessment

Board held a retreat (7 hour working session) on January 10. David took the lead on planning and facilitating, and worked with Kirk Anne on the self-assessment. He's unable to attend tonight's meeting and has requested that we hold substantive discussion of the retreat until the next meeting. David is working on a writeup to surface learnings of the retreat and clarify next steps.

iii. Parent-Elect Board Member

As stated in public comment, over-representation of parents on charter school boards is strongly recommended against. Other schools strictly limit the number of parents who can serve on the board (Yu Ming for example enforces a cap of no more than 3 parents on their board). We have been actively trying for years to recruit more non-parents with relevant professional skills and governance expertise, but are generally unable to get many to stick around for longer than a few months given the huge volunteer time commitment expectations.

Parents on Francophone's board have a fiduciary duty *to the school*- not to their child, their classroom, their teacher, other families at the school, etc. This is hard and at times counter-intuitive, but sets up potential conflicts of interests if not followed. We have had some success in the past year in recruiting two new highly qualified non-parent board members with charter sector expertise, but are still at a ratio of 3 non-parents to 5 parents currently. We have also been asking parents to serve on board committees prior to joining the board, as this allows parents to gain experience with Brown Act/Public Records Act and navigating the difficulty of taking off the "parent hat" and putting on a "governance hat" in all deliberations.

Parent-elected position was added to bylaws in 2016-2017. Our lawyers have routinely advised us to be clear that this is not a "parent representative" position, but rather a "parent elected" position. Once this person is elected they have the same rights and responsibilities as any other board member. Fiduciary duty, legal responsibility that they take on as board members is to the school, not to the parents.

We have had trouble filling this position, including failing to even get the minimum required number of parents to vote in the election last spring. Parent elected member did wind up joining the board but quit after just a few months, citing personal reasons. Brown Act/Public Records Act compliance was an issue.

Resignation happened at same time as prior ED's resignation. Was discussed at October 11 board meeting. Our bylaws say the board "shall" appoint a new director for the remainder of the parent-elected member's term in case the parent-elected member vacates the position. Although that would have been the quickest/easiest way to move forward, we decided to table the discussion pending the leadership transition and some research with other schools and charter sector experts on best practices for incorporating parent-elected members.

Board discussed 2 options: a) follow bylaws and appoint a new director to fill the role for remainder of 2 year parent-elected term, or b) deviate from bylaws and ask FCSC to hold a new election for the position, to allow parents another opportunity this year to elect a board member, given parent concerns about many matters happening at the school right now.

Regardless of which option, Governance Committee recommends that board begin enforcing mandatory annual Brown Act trainings for all members and enforcing requirement to actively participate in one or more committees and fulfill all other obligations of the role.

Erins moves to ask FCSC to proceed with another election, Jean seconds, all in favor.

- c. Education Update (Jean)
 - i. Updates

There was a public comment about impact on quality of education decreasing with increased student enrollment, about aiming for achieving Blue Ribbon status, more options for afterschool programs, and about an incident involving a specific student.

There was a public comment about the many ways teacher retention impacts the school, and the importance of integrating STEM and science into the curricula.

Jean reported on progress since the beginning of the year, which has included reviewing curricula and working on dashboard development. One parent member is investigating pathways for students to continue learning French beyond 8th grade.

There are a number of different discussions happening around equity at the school—with parents, staff, board. Discussed potential of centralizing these discussions in the Ed Committee to encourage more continuity, collaboration, and accountability.

- d. Facilities Update (Carolyn/Mark) (this item was advanced on the agenda to allow public commenters to participate earlier in the meeting)
 - i. Prop 39 Updates
 - ii. Co-Location Updates

There was a public comment on commute to proposed co-location at Brookfield, questioning whether school needs to be in D6.

There was another public comment acknowledging the mixed feelings around facilities announcement and the difficulties of two campuses, expressing the challenge of getting children up earlier and spending more time in the car, believing that the school will lose families no matter what, and that "francophone families don't live in East Oakland."

There was a public comment about 2 campus locations and whether that's feasible, commenter is already late every day to work, this would add an extra 15-20 minutes. This will be the third location for some students in 3 years and creates anxiety for students.

There was another public comment asking for more parent engagement so you can know who will be here and who will not. Commenter feels we do not have to accept that space and should think creatively about it, keep all options open.

There was another public comment expressing that commenter lives in the Brookfield attendance area. There is a park, baseball field, library in close proximity to the school. Urging other parents to not be scared of the neighborhood.

There was another public comment questioning the number of classrooms needed and questioning whether we can add more portables to the existing campus, offering a lot in the Oakland hills as space for portables.

There was another public comment pointing out that the charter says the goal is to have a centralized location, suggesting that parents are surveyed about location.

There was another public comment asking board to not rule out any other options.

Carolyn acknowledged all of the public commenters. We just received the offer, Mark shared immediately, even before it was presented to OUSD board. We are reacting in real time, actively negotiating with OUSD. Absolutely open to feedback and considering all options. We have investigated for years but don't have any viable alternatives to relying on Prop 39 for space. There are numerous offers out to schools, a bit of a chessboard with moving pieces.

We need 28 classrooms. Impossible to accommodate our school for next year at Howard and Francophone. Trying our hardest to negotiate a long term lease. There is potentially long term space at Brookfield.

Mark emphasized that there is no clarity yet on how grades would be split between the two campuses if Francophone does wind up at Toler and Brookfield next year. There are valid arguments either way. We have not even seen the campus yet—walkthrough is being scheduled for early February. We are very aware of the pain of the dual dropoff situation for many families and will try to determine and announce ASAP which grades will be located where if we accept offer.

F. Action Items and Future Agenda Items (Erin)

Special Ed hiring and compliance update
Enrollment update and projections
Retreat followup
Head of School hiring update

F. Closed Session 10:35PM

- a. Legal Matters
- b. Human Resources

G. Open Session 11:08PM

1 min

Report out on closed session actions taken: no reportable action.

IV. ADJOURN 11:09 PM

NOTES This legislative body conducts business under the meeting requirements of the Ralph M. Brown Act.

MEETING AGENDA & RELATED MATERIALS

Under the Brown Act, agendas for regular board meetings will be posted at the meeting site and the legislative body's website, if applicable, 72 hours prior to the start of the meeting; agendas for special meetings will be posted at the meeting site and the legislative body's website, if applicable, 24 hours prior to the start of the meeting. Materials relating to an agenda topic that is a matter of public record in open session, will be made available for public inspection 72 hours prior to the start of the meeting, or, alternatively, when the materials are distributed to at least a majority of board members. The order of consideration of matters on this agenda may be changed without prior notice.

SPECIAL PRESENTATIONS MAY BE MADE

Notice is hereby given that, consistent with the requirements of the *Bagley-Keene Open Meeting Act*, special presentations not mentioned in the agenda may be made at this meeting. However, any such presentation will be for information only.

REASONABLE ACCOMMODATION WILL BE PROVIDED FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in this meeting may request assistance by contacting Francophone Charter School of Oakland during normal business hours at contact@francophoneschool.org or (510) 746-0700.

REASONABLE ACCOMMODATION WILL BE PROVIDED FOR NON-ENGLISH SPEAKERS

Any non-English speaking member of the public may request a translator by contacting Francophone Charter School of Oakland during normal business hours at contact@francophoneschool.org or (510) 746-0700.

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