



OAKLAND MILITARY INSTITUTE
3877 Lusk Street
Oakland, California 94608

NGCA-YCP-OMI-CO

16 June 2023

MEMORANDUM FOR THE BOARD OF DIRECTORS, OAKLAND MILITARY INSTITUTE
COLLEGE PREPARATORY ACADEMY

SUBJECT: Cooperative Agreement Update

1. On 31 May 2023, the fourth draft version of the Oakland Military Institute (OMI) cooperative agreement titled, OMI_CA_20230531_Final was sent for consideration and approval. Two recent actions suggest a delay in reaching a Cooperative Agreement before 30 June 2023, when the attached current Memorandum of Understanding ends. The Military Department's Force Structure, Resources, and Assessment (J8) Staff began collaboration on 8 June 2023, with the Office of Risk Management (ORM) for an insurance plan. MAJ Schoenwandt asked ORM to provide a policy by 1 July 2023.

2. On 15 June 2023, Youth and Community Programs began internal discussion to amend the California Military and Veterans Code (CMVC) 531 and 532 to enable an agreement directly with OMI Board of Directors. Recommendations for statutory language changes include:

a.

(1) Original:

531. The Adjutant General may enter into a cooperative agreement with the City of Oakland and a school district for the purposes of establishing an Oakland Military Institute. The program would provide a structured, disciplined environment that would be conducive to learning in a college preparatory environment. In addition to academic skills, pupils would develop leadership, self-esteem, and a strong sense of community.

(2) Proposed Revision:

Eliminate 531. Oakland Military Institute, as a stand-alone school district, would then be authorized under 532 (a)(1) [see below]

b.

(1) Original:

532. (a) (1) Subject to subdivision (b), the Adjutant General may enter into a cooperative agreement with the governing board of a school district or a county office of education for the purpose of establishing, pursuant to existing statutory authority in the Education Code, a military academy to be operated as a charter school, pursuant to Part 26.8 (commencing with Section 47600) of Division 4 of Title 2 of the Education Code, or as one of the existing alternative education options, available under the Education Code. The program would provide a structured, disciplined environment that would be conducive to learning in a college preparatory environment. In addition to academic skills, students would develop leadership, self-esteem, and a strong sense of community. An academy established

pursuant to this section shall comply with the Education Code.

(2) Proposed Revision:

No change. OMI would no longer be a separate authorization

3. The three prior version of this CA submitted for consideration include versions:

- a. OMI Cooperative Agreement Draft v20221107, sent 7 November 2022
- b. OMI_CA_20220202_Final, sent 2 February 2023
- c. OMI_CA_20230328_Final, sent 28 March 2023

4. Any questions can be directed to the undersigned at tjames@omiacademy.org.

FOR THE SUPERINTENDENT

Attachment:



Thomas L. James, CMSgt (CA), CSG
Commandant

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CALIFORNIA MILITARY DEPARTMENT
THE
OAKLAND MILITARY INSTITUTE**

In accordance with the California Military and Veterans Code, Section 53 1, this Memorandum of Understanding (MOU) is executed by and between the California Military Department (CMD), and the Board of Directors (BOD) of the Oakland Military Institute (OMI). Written modification of this MOU may be made by mutual agreement as set forth below. It is mutually understood and agreed by and between both parties that:

I. TERM

The term of the Agreement shall be from 01 July 2021 until 30 Jun 2023.

II. GOVERNANCE

The Military Department and BOD agree that the goal of the program is the matriculation of graduates into institutions of higher learning. The Military Department and BOD agree that the BOD shall be the governing agency of the Institute. The formula by which directors are appointed shall be as determined in the Bylaws of the Oakland Military Institute.

III. RESPONSIBILITIES AND FUNDING REQUIREMENTS OF OMI BOARD OF DIRECTORS

The Oakland Military Institute BOD shall act in all ways consistent with local, state and federal laws and with the terms of the charter as approved by the Oakland Unified School District. The following are the responsibility of the BOD:

- a. Secure the facility to house the OMI, to include:
 - 1) Negotiations and funding arrangements for specified renovations to the facility.
 - 2) Negotiations and funding arrangements to maintain in the facility in accordance with local codes and regulations.
- b. Negotiations and funding arrangements for any rent or lease costs for the facility.
- c. Provide for any needs of the OMI not specifically funded or authorized in the Governor's budget to the CMD or appropriated to the OMI by the State of California through the Department of Education.
- d. Provide leadership, direction and take overall responsibility for all fundraising efforts initiated by the OMI.
- e. Provide leadership, direction and take overall responsibility for the educational program at the OMI, including the hiring of a principal(s), teachers and support staff with charter school block grant funding appropriated by the State of California.
- f. Work in good faith with the CMD to develop a long-term strategic plan for the operation and funding of OMI.

IV. RESPONSIBILITIES AND FUNDING REQUIREMENTS OF CMD

The California Military Department shall act in all ways consistent with local, state and federal laws and with the terms of the charter as approved by the Oakland Unified School District. The following are the responsibility of the CMD:

a. Provide funding for the Institute that is authorized annually in the Governor's budget to support the Military Department's role in the Institute. The Commandant will oversee all military components. This funding is subject to Military Department approval as necessary.

b. Assign and pay for a Commandant, and military cadre as provided for in salary funds of the CMD budget for OMI. The Commandant, and cadre are appointed by the Military Department with the concurrence of the BOD. The Commandant is the Commander of Troops at OMI. The Commandant is responsible for providing the OMI with a military environment and training program that will:

- 1) Develop leadership traits in students.
- 2) Emphasize teamwork by students.
- 3) Foster student physical fitness.
- 4) Reinforce life skills and promote the likelihood of future success.
- 5) Instill self-discipline in students.

The Commandant facilitates the military science program at OMI and reports directly to the OMI Superintendent for Tactical Control (TACON) which involves the daily activities at the school. The Commandant also reports to the Commander, Youth and Community Programs Task Force (YCPTF) for Administrative Control (ADCON). The Commandant is tasked with the accomplishment of the mission and the seamless integration of the military science program into the overall academic course offerings at OMI.

The BOD shall be empowered to conduct external evaluations of CMD personnel using OMI instructional standards.

Matters involving the hiring, evaluation, termination, or renewal/non-renewal of CMD personnel at OMI that cannot be resolved at the Commandant level will be forwarded in writing from the Superintendent to the Commander, YCPTF for resolution. When a mutually acceptable resolution cannot be reached on a personnel matter, The Adjutant General or his/her designated representative agrees to meet with the BOD in a regular or special meeting of the Board (In closed session) to seek an agreement.

c. Effective July 2021, O&E operating funds authorized annually in the Governor's budget to support the Military Department's role in the Institute will be provided directly to the OMI to support academy operations. The allocation is:

- 1) \$290,000 for FY 21-22
- 2) \$300,000 for FY 22-23

Pending other fiscal constraints, the remaining O&E operating funds authorized annually in the Governor's budget to support the Military Department's role in the Institute will be provided by the CMD for the following operating expenses:

- 1) Uniforms and military awards for students.
- 2) A two week "Summer Camp" for new students applying for admittance to the Institute.
- 3) A week of "Advance Camp " for the student transitioning from eight grade to nine grade High School.
- 4) Leadership training for students/cadets.
- 5) Outdoor education training such as R.O.P.E.S, orienteering and bivouacs.
- 6) Other expenditures necessary to carry out the responsibilities of the

Commandant.

7) Assist with enrollment of CACC Summer Camp

d. Work in good faith with the BOD to develop a long-term strategic plan for the operation and funding of OMI

V. LEGAL REQUIREMENTS

In accordance with the California Military and Veterans Code, the COMMAND enters into this agreement with the understanding that OMI will continue to operate as a non-residential public Charter School that provides a structured, disciplined environment conducive to learning in a college preparatory environment.

Both parties agree that the OMI will continue to operate as a public Charter School, authorized and established in accordance with California law and as a California Nonprofit Public Benefit Corporation established to perform the business and personnel services for the school consistent with its charter as granted by the Oakland Unified School District.

This agreement is valid and enforceable only if sufficient funds are made available for the OMI by the Budget Act for each Fiscal Year of this agreement. This agreement is further subject to any additional restrictions, limitations, or conditions enacted by the Legislature and contained in the Budget Bills or any statute enacted by the Legislature which may affect the provisions, terms, or funding of this agreement.

VI. AUDIT AND MONITORING

The CMD reserves the right for the Military Department Internal Review Office (MDIRO) or authorized representative to conduct audits of OMI's finance and compliance records maintained in connection with the operations and services provided by the CMD. In the event of such an audit, OMI agrees to provide the MDIRO or authorized representative with reasonable access to OMI's records. The CMD agrees that such audits will be performed at CMD expense.

VII. SEVERABILITY/TERMINATION

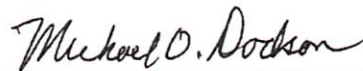
Both parties reserve the right to terminate this agreement upon (30) day's written notices to the other party in the event the terms of the MOU are not being fulfilled.



MAJ CHRISTOPHER SCHOENWANDT
Chief of Purchasing and Contracting
State Military Department

12.20.2021

(Date)



MICHAEL DODSON
SUPERINTENDENT
Oakland Military Institute
Authorized Board Representative

12/17/2021

(Date)