

Board Office Use: Legislative File Info.	
File ID Number	14-0649
Introduction Date	April 23, 2014
Enactment Number	14-0637
Enactment Date	4-23-14



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Dr. Gary Yee, Superintendent
Maria Santos, Deputy Superintendent

Board Meeting Date April 23, 2014

Subject **Adoption of Resolution 1314-1050, Requesting State Superintendent Of Public Instruction For Approval of Alternative School of Choice Waiver of Education Codes Pertaining to the Size of the School Site Council**

Action Requested Adoption of Resolution 1314-1050 – Request to the State Superintendent of Public Instruction for Approval of Alternative School of Choice Waiver of Education Codes pertaining to the Size of the School Site Council, for the period from July 1, 2013 to June 30, 2016 to fully implement the Gateway to College Alternative High School at Laney College.

Background
A one paragraph explanation of why the consultant's services are needed.

Gateway to College is a nationally recognized education model serving youth who have dropped out of high school. In June 2008, the District authorized the establishment of Gateway as an Alternative education high school to be operated on the Laney Campus. Students attending Gateway are concurrently enrolled in Laney and Oakland Unified School and from their first day earn credits toward a high school diploma and an Associate's Degree. Gateway's student body is largely comprised of foster youth, adjudicated youth, teen parents, and students recovering from homelessness or drug and alcohol abuse.

Discussion
One paragraph summary of the scope of work.

Gateway to College at Laney Alternative High School is a school of high expectations and equally high levels of community support with the goal that vulnerable youth receive a second chance to re-engage in education in a meaningful way and create better lives for themselves.

The District will seek and obtain all necessary renewal waivers from the California Department of Education in order to fully continue to support Gateway. Under the Waiver Authority of the Education Code Section 58509, the particular Education Code or the California Code of Regulations Section(s) or portion thereof to be waived is: Size of the School Site Council.

This is a request to again seek waiver of the following sections of the California Education Code related to the size of the School Site Council.



- Education Code § 52852

Under the California Department of Education regulation and the Alternative School of Choice Waiver Request for (CDE form AEW-1 (Rev 3/10), no public hearing is required if the renewal waiver is not controversial. In addition, meet and confer with bargaining units and review by the SSC are not required if the renewal waiver is not controversial. OEA and the SSC have been advised that the District is seeking renewal of the waivers. There is no controversy related to the Gateway program.

Recommendation

Adoption of Resolution 1314-1050 – Request to the State Superintendent of Public Instruction for Approval of Alternative School of Choice Waiver of Education Codes pertaining to the size of the School Site Council, for the period from July 1, 2013 to June 30, 2016 to fully implement the Gateway to College Alternative High School at Laney College.

Fiscal Impact

Funding resource name: None to the District

Attachments

- Resolution No. 1314-1050
- Alternative School of Choice Approval Waiver Request with Attachment

RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT

Resolution No. 1314-1050

Request to the State Superintendent of Public Instruction for Waiver of Education Code 52852 **Size of the School Site Council** for the District Gateway to College Program at Laney College, for Fiscal Years 2014-15 and 2015-2016.

WHEREAS, The Oakland Unified School District and the Peralta Community College District operates the Gateway to College alternative high school on the Laney College Campus; and

WHEREAS, Gateway to College is a college-based program; and

WHEREAS, Gateway to College at Laney College is part of the Early College High School Network which is listed as a type of school that can be established under the statutory framework of section 58500 et seq. of the Education Code. The school was established in accordance with statutory procedures and approved by the governing board of the Oakland Unified School District and the California Department of Education; and

WHEREAS, All classes are college classes, which provide dual credit, and the program is fully integrated into the college setting; and

WHEREAS, Education Code Section 52852 provides a school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school, parents of pupils attending the school selected by such parents; and in secondary schools, pupils selected by pupils attending the school; and

WHEREAS, this waiver will allow Gateway to College to operate an achievable and balanced School Site Council. The waiver asks that Gateway to College be allowed to form a School Site Council consisting of 3 members from the school site (the director and two teaching staff) and 3 members from the parent/student side (2 parents and 1 student). The reason for this request is that Gateway to College is a small alternative school with only two full time teaching staff (see attached Power Point). Another factor is that a significant part of the student population does not live with or have a connection to their biological parents. Their current enrollment is around fifty students. Gateway to College values the contributions parents can bring and also would like to use federal funds to provide additional services to English language learners. Please approve this waiver request so Gateway to College can strengthen its parent connection and obtain additional resources to serve its English learners; and

WHEREAS, Because Gateway to College is a college-based program, the waiver of the aforementioned code provisions is necessary to fully implement Gateway to College in the college setting; and

WHEREAS, the request by the District and granting the Waiver by the State Superintendent of Public Instruction will not have a negative fiscal impact on, or otherwise harm, the District; and

WHEREAS, the California Department of Education has stated for this waiver a public hearing is not required; and

WHEREAS, at its April 23, 2014 meeting, the Board of Education authorized the District to seek waiver of Education Code 52852;

NOW, THEREFORE, BE IT RESOLVED, the Board of Education of the District hereby approves the District's Request for Renewal of the Alternative School of Choice Waiver of Education Codes pertaining to Size of the School Site Council *Education Code § 52852 et seq.*

PASSED AND ADOPTED by the Governing Board of the Oakland Unified School District this 23rd day of April, 2014, by the following vote, to wit:

AYES: Jody London, Jumoke Hinton Hodge, Anne Washington, Roseann Torres
Christopher Dobbins, Vice President James Harris and
President David Kakishiba

NOES: None

ABSTAINED: None

ABSENT: None

CERTIFICATION

I, Dr. Gary Yee, Superintendent and Secretary of the Governing Board of the Oakland Unified School District, Alameda County, State of California, do hereby certify that the foregoing Resolution was duly approved and adopted by the Governing Board of said District at a meeting thereof held on the 23rd day of April, 2014 with a copy of such Resolution being on file in the Office of the Governing Board of said District.



Dr. Gary Yee
Secretary, Governing Board

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CALIFORNIA STATE DEPARTMENT OF EDUCATION
ALTERNATIVE SCHOOL OF CHOICE WAIVER REQUEST
 AEW-1 (Rev. 3/10)

Check one: First time waiver
 Renewal waiver

Return to: Educational Options Office
 California Department of Education
 1430 N Street, Suite 6408
 Sacramento, CA 95814-5901

Telephone: 916-322-5012
 Fax: 916-323-2039

County and District Code:

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Local Educational Agency: Oakland Unified School District			Contact recipient of approval/denial notice: Dr. Gary Yee, Superintendent		
Address: 1000 Broadway	City Oakland CA	State CA	ZIP 94607	Phone: (510) 434-7790	
Period of request: <i>(month/day/year)</i> From: 07/01/2013 To: 06/30/2016		Local board approval date: <i>(Required)</i>		Date of public hearing: <i>Note necessary for renewal waivers, unless controversial.</i>	

Part 1: LEGAL CRITERIA

(PLEASE PROVIDE THE INFORMATION REQUESTED IN THE SPACES DESIGNATED)

1. Under the Waiver Authority of the *Education Code Section 58509*, the particular *Education Code* or the *California Code of Regulations* section(s), or portion(s) thereof to be waived: Size of the School Site Council

2. If this is a renewal of a previously approved waiver, list approval date, and attach a copy of the original document: N/A

3. **Position of the bargaining unit.** Does the district have any employee bargaining units? Yes No
Not necessary for Renewal Waivers unless controversial.

Date(s) the bargaining unit(s) was/were consulted: April 15, 2014 / _____ / _____

Name of the bargaining unit person(s) consulted: OEA / _____ / _____

The position(s) of the bargaining unit(s) was/were: Neutral Support Oppose *Please summarize below.*

Comments (If appropriate):

4. **Public hearing requirement.** A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district (modeled after *Education Code* Section 5362).

Not required per CDE as Waiver is routine. Waiver is being submitted with 7 other renewal Waivers to continue to operate the OUSD Gateway to College program at Laney Community College.

How was the required public hearing advertised?

Notice in a newspaper Notice posted at each school Other _____ *Please summarize below.*

5. **Advisory committees/school site councils.** Please identify the committee or council that reviewed this waiver:
Not necessary for Renewal Waivers unless controversial.

Date the committee/council reviewed the waiver request: _____

Check here, if there were objection(s) *Please summarize the objection(s) below.*

PART II. PURPOSE AND DESIRED OUTCOMES

1. Summary of the *Education Code* or *California Code of Regulations* section(s) or portion(s) to be waived.

Please summarize the meaning, in plain language, of the *Education Code* or *California Code of Regulations* Section(s) or portion(s) to be waived. If a portion of a section is requested to be waived, include that portion verbatim.

A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school, parents of pupils attending the school selected by such parents; and in secondary schools, pupils selected by pupils attending the school.

2. Desired outcome/rationale.

State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations.

This waiver will allow Gateway to College to operate an achievable and balanced School Site Council. The waiver asks that Gateway to College be allowed to form a School Site Council consisting of 3 members from the school site (the director and two teaching staff) and 3 members from the parent/student side (2 parents and 1 student). The reason for this request is that Gateway to College is a small alternative school with only two full time teaching staff (see attached Power Point). Another factor is that a significant part of the student population does not live with or have a connection to their biological parents. Their current enrollment is around fifty students. Gateway to College values the contributions parents can bring and also would like to use federal funds to provide additional services to English language learners. Please approve this waiver request so Gateway to College can strengthen its parent connection and obtain additional resources to serve its English learners.

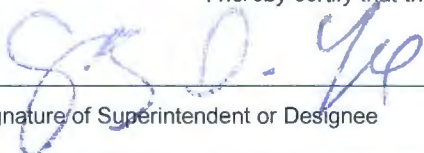
3. For a waiver renewal, district also must certify:

- | True | False | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | The facts which precipitated the original waiver request have not changed. |
| <input type="checkbox"/> | <input type="checkbox"/> | The remedy for the problem has not changed. |
| <input type="checkbox"/> | <input type="checkbox"/> | Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it. |

Renewals of Alternative School of Choice waivers must be submitted **two months prior** to the date the active waiver expires. The local governing board must approve the renewal request. Because the district certifications above assure the State Superintendent that there is no evidence of controversy associated with the waiver's renewal, it is not necessary to repeat the public hearing. Submit the renewal request **at least two months before the waiver expires** to ensure enough time for action by the State Superintendent before the present waiver expires. Retroactive waivers must go through the *first time waiver process*.

District or County Certification

I hereby certify that the information provided on this application is correct and complete.



Superintendent

April 24, 2104

Signature of Superintendent or Designee

Title

Date

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Responsible Office:

Guidelines: Met Not Met Don't Exist

CALIFORNIA DEPARTMENT OF EDUCATION RECOMMENDATION: Approve Deny

Staff (*Type or print*)

Staff (*Signature*)

Date:

Unit Manager (*Type or print*)

Unit Manager (*Signature*)

Date:

Division Director (*Type or print*)

Division Director (*Signature*)

Date:

Deputy (*Type or print*)

Deputy (*Signature*)

Date:

Renewal Waiver Application
[Size of the School Site Council]

Part II. Purpose and Desired Outcomes

1. ***Summary of the Education Code or California Code of Regulations Section(s) or portion(s) to be waived.*** Please summarize the meaning, in plain language, of the Education Code or California Code of Regulations Sections(s) or portions(s) to be waived. If a portion of a section is requested to be waived, include that portion verbatim.

This is a request to waive the following sections of the California Education Code related to regulations of the Size of the School Site Council.

- *Education Code § 52852*

2. ***Desired outcome/rationale.*** State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations.

The legislation authorizing the establishment of alternative schools of choice provides, in part, that school districts may establish alternative schools based on the premise that the best learning takes place when the student learns because of his or her desire to learn. Alternative schools and programs of choice are often characterized by responsiveness to instructional style differences, the positive consequences of being a school of choice, and small unit size. The Gateway to College alternative high school fits this profile.

Gateway to College at Laney College ("Gateway") serves 350 students, 16 to 20 years old, who have dropped out of school and provides a second chance for students to get back on a path leading to economic and educational opportunity. In keeping with the statutory purpose, the program achieves success by maintaining a learning situation that maximizes student self-motivation and encourages a student in his own time to follow his interests.

Gateway to College is college-based and operates in an adult learning environment. Consequently, parental notification of student performance is not required. The referenced regulation, as written, requires parental notification regardless of the age of the pupil. Although Gateway to College procedures will require parental notification of parents, if any, of Gateway students under the age of eighteen (18), the District is requesting a approval of the waiver of this section because it may preclude the participation of eligible students, many of whom may be emancipated minors, foster youth without the presence of a parent or guardian in their lives. Hence, approval of a waiver of the aforementioned regulation is necessary to fully implement Gateway to College in the college setting. The District is requesting approval of the waiver for two years.

Evaluation Procedure

An annual evaluation, pursuant to Education Code Section 58510, will be performed in accordance with guidelines established by the California Department of Education and the State Superintendent of Public Instruction. The evaluation will be conducted by the OUSD Office of Alternative Education and will include input from key stakeholders such as teachers, students, and parents and guardians.

The methodology used will be consistent with evaluations of other OUSD Alternative Schools and Programs. The evaluation will include student performance data on K-12 mandatory testing and will examine features such as the following to determine their impact on student learning outcomes:

- Sustainable Partnership (e.g., advisory committee, referrals, information sharing systems, etc.)
- Integration of the program into college (e.g., attendance on college calendar, college orientation, flexible class schedule)
- Dual credit (e.g., diploma and testing requirements are aligned with college courses, counselors trained in high school and advising systems)
- Adequate teaching and administrative staff
- Collaboration between faculty members and between students (e.g., team based approach to student success)
- Teaching and Learning (e.g., rigor and relevance in the curriculum)
- Student Support systems (e.g., focus on academic and non-academic barriers)
- Professional Development for faculty and staff (e.g., mission and core values communicated, roles and responsibilities are clearly communicated)

School is Legally Compliant

Gateway to College at Laney College is part of the Early College High School Network which is listed as a type of school that can be established under the statutory framework of section 58500 et seq. of the Education Code. The school was established in accordance with statutory procedures and approved by the governing board of the Oakland Unified School District and the California Department of Education.