

File ID Number: 14-0010
Introduction Date: 1-6-14
Enactment Number: 14-0007
Enactment Date: 1-6-14
By: _____



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

**Resolution of
GOVERNING BOARD
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 1314-0107

**California State Board of Education - General Waiver Request - Education Code
Section 52055.740(b)(4) - QEIA Funding (Williams Settlement Requirements) –
Garfield Elementary School - School Year 2012-2013**

WHEREAS, the Quality Education Investment Act (QEIA) is the result of a settlement between Governor Schwarzenegger and the California Teachers' Association (CTA) which is aimed at boosting student achievement at low-performing schools; and

WHEREAS, in May 2007 State Superintendent of Public Instruction Jack O'Connell announced that 488 low-performing schools in California were selected to receive QEIA funding; and

WHEREAS, the Oakland Unified School District has 13 QEIA funded schools; four middle schools and nine elementary schools; and

WHEREAS, QEIA schools have demonstrated meaningful to significant growth in academic achievement over-all as a result of implementing the various strategies outlined in the QEIA program; and

WHEREAS, QEIA non-compliance reported for schools in the 2012-13 school year has been determined to be correctable under the state's General Waiver process; and

WHEREAS, the District, in an effort to ensure maintenance of these funds for the 2014-15 school year for specific schools, must seek a General Waiver of the State Board of Education; and

WHEREAS, the District is taking steps to further assist QEIA funded schools in meeting the compliance targets set forth under the Quality Education Investment Act; and

WHEREAS, continued provision of QEIA funding for the 2014-15 school year will likely contribute significantly to continued academic gains for designated school; and

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



NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby approves the District's Request for General Waiver of Education Code Section 52055.740(b)(4) on behalf of **Garfield Elementary School**, incorporated herein by reference as though fully set forth, to the California State Board of Education and authorizes the submission of same with requisite supporting documentation.

BE IT FURTHER RESOLVED that the Superintendent of Schools or his designee is authorized to take any and all action, save an action required of the Governing Board by law, regulation or Board Policy, to effective the foregoing.

Passed by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

I hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted at a Special Meeting of the Governing Board of the Oakland Unified School District held on January 6, 2014.

Gary Yee, Ed.D.
Secretary, Board of Education

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**California Department of Education
WAIVER SUBMISSION – General**

Garfield Elementary School

CD Code: 01615296001846 **Waiver Number:** **Active Year:** 2013

Date In: January 8, 2014

Local Education Agency:
Oakland Unified School District

Address:
1000 Broadway, Suite 680
Oakland, CA 94607

Start: 2012-13 school year **End:** 2013-14 school year

Waiver Renewal: N
Previous Waiver Number: **Previous SBE Approval Date:**

Waiver Topic: Quality Education Investment Act
Ed Code Title: *Williams* Case Settlement Requirements
Ed Code Section: 52055.740(b)(4)
Ed Code Authority: State Board of Education

Ed Code or CCR to Waive: 52055.740(b)(4)

California *EC* Section 52055.740(b)(4) requires QEIA funded schools, by the end of the 2008–09 school year and each year thereafter, to meet all of the requirements of the settlement agreement in *Eliezer Williams, et al., vs. State of California, et al.*

These requirements include:

- Ensuring students have sufficient instructional materials.
- Ensuring school facilities pose no emergency or urgent threat to health & safety.
- Ensuring there are no teacher vacancies or misassignment.

If an LEA requests a waiver of the HQT or *Williams* case settlement requirements, the CDE reviews a range of information regarding the unique circumstances of the school and the district to formulate a recommendation to the SBE.

Outcome Rationale:

Garfield Elementary assigned a teacher to serve English language learners who, for a period of approximately three months, was not certified in CLAD. The teacher held an emergency CLAD credential that expired on March 1, 2013. She applied for her permanent CLAD. She was completing coursework to finalize her CLAD and renew her credentials which she should have completed prior to the expiration of her emergency CLAD. However, ultimately the teacher did not complete the requirements for her CLAD certification. She completed the school year and is no longer employed at Garfield Elementary or with the Oakland Unified School District. All teachers are highly qualified in the current school year 2013-14.

Student Population:

Oakland USD has a student population of 36,262 and is located in an Urban Setting in Alameda County. Garfield Elementary School has a student population of 582 in 2012-13.

City Type: Urban

Public Hearing Date: January 8, 2014

Public Hearing Advertised: December 26, 2013

Local Board Approval Date: January 8, 2014

Please identify the appropriate council(s) or advisory committee(s) that reviewed this waiver: School Site Council

Date the committee/council reviewed the waiver request: January 7, 2014

Were there any objection(s): None

Audit Penalty: N

Categorical Program Monitoring: N

Submitted by: David Montes de Oca

Position: Associate Superintendent

E-mail: david.montes@ousd.k12.ca.us

Telephone: (510)336-7570

Fax: (510)482-6774

Bargaining Unit: Oakland Education Association

Date: December 20, 2013

Name: Trish Gorham

Representative: David Montes de Oca

Title: President, Oakland Education Association

Support Comments: