

**OAKLAND UNIFIED SCHOOL DISTRICT  
Office of the Superintendent of Schools**

March 24, 2010

**Legislative File**

File ID No: 10-0480  
Introduction Date: 3/15/10  
Enactment No.: 10-0436  
Enactment Date: 3/24/10  
By: [Signature]

TO: Board of Education

FROM: Anthony Smith, Ph.D., Superintendent  
Delia Ruiz, Executive Officer, Human Resources Services and Support

SUBJECT: California Basic Educational Skills Test (CBEST) Waiver for 30-Day Substitutes

**ACTION REQUESTED**

Approval by the Board of Education of Resolution No 0910-0190, authorizing the District to request CBEST waivers during the anticipated one-day work stoppage or other unforeseen job action or labor disruption.

**DISCUSSION**

The Commission on Teacher Credentialing (CTC) issues a 30-day substitute permit which authorizes the holder to teach in day-to-day substitute positions. To qualify for the 30-day substitute permit, the individual must have earned a bachelor's degree and passed the California Basic Education Skills Test (CBEST). The CTC gives districts the opportunity to waive the CBEST requirement for one year. During this year, the holder of a CBEST waiver can substitute under the restrictions of the 30-day substitute, with the requirement that the individual must take and pass the CBEST within one year of issuance.

In anticipation of a one-day work stoppage announced by the Oakland Education Association (OEA) for April 22, 2010, the Resolution will authorize the District to request the CTC to waive the CBEST requirement and issue 30-day substitute permits to authorize the holder to teach in day-to-day substitute positions.

**BUDGET IMPACT**

No negative fiscal impact.

**RECOMMENDATION**

Approval by the Board of Education of Resolution No 0910-0190, authorizing the District to request CBEST waivers during the anticipated one-day work stoppage or other unforeseen job action or labor disruption.

**RESOLUTION  
OF THE  
BOARD OF EDUCATION  
OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 0910-0190**

Declaration of Need To Hire Substitute Teachers on CBEST Waivers

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**WHEREAS**, one of the essential components of the District's ability to sustain successful attainment of its central mission to educate all students to high standards of learning is an effective and productive partnership with all of its employees including, particularly, its classroom teachers and other certificated personnel who provide direct instruction and educational services to students; and

**WHEREAS**, the District and the Oakland Education Association ("OEA"), which represent classroom teachers, counselors, nurses, psychologists, substitute teachers, and other certificated personnel, have been engaged in extensive negotiation over a successor agreement to the collective bargaining agreement that expired June 30, 2008, and such negotiations culminated in a fact-finding hearing in February 2010; and

**WHEREAS**, in January 2010 OEA members voted to authorize a one-day strike; on March 8, 2010, the Executive Board of OEA set a one-day strike date of April 22, 2010; and

**WHEREAS**, with over 38,000 students in its various programs, any strike or other significant job action will constitute a major disruption in the learning process for District students and disruption of school operations and activities within the District and cause great and irreparable harm to District students and the District; and

**WHEREAS**, any strike or other significant job action constituting a major disruption in the learning process for District students and disruption of school operations and activities within the District will require immediate action to ensure that students remain safe at school, and that academic and educational activities during the course of any such disruption continue; and

**WHEREAS**, the Governing Board may authorize and approve an application to the California Commission on Teacher Credentialing seeking a variable term waiver or other appropriate form of waiver as may be necessary to hire certificated employees of the District for a specific period of time to ensure that students remain safe and supervised at school and provide for the continuation of educational services; and

**NOW, THEREFORE BE IT RESOLVED**, that a District emergency is declared due to the April 22, 2010 OEA called strike, and the District shall take all appropriate and reasonable steps to prepare for such strike and keep students safe while at school and provide academic and educational activities to students at school during a strike or other job action; and

**BE IT FURTHER RESOLVED**, that approval is given supporting an application to the California Commission on Teacher Credentialing for a variable term waiver or other appropriate waiver to be issued as needed to enable the District, during the 2009-2010 school year during any strike or other job action requiring emergency substitute teachers, to hire substitute teachers who have not yet had the opportunity to pass the California Basic Education Skills Test. The Governing Board declares that, under these circumstances, it has been and will be unable to recruit enough day-to-day substitute teachers who have passed CBEST.

**BE IT FURTHER RESOLVED**, that the Governing Board authorizes all appropriate action to be taken to request CBEST waivers for those individuals possessing the minimum requirements for the substitute teaching permit including possession of a bachelors degree from an accredited university who have completed the District's Emergency Temporary Teacher process, and these waivers will allow these individuals time to pass the CBEST so that they can qualify for the Emergency 30-day substitute permit and continue to serve as substitutes during the upcoming April 22 one-day teachers strike or other unforeseen job action or labor disruption; and

**BE IT FURTHER RESOLVED**, that the Governing Board authorizes payment of of \$300.00 (three hundred dollars) per day for each such emergency substitute teachers for the April 22 one-day teachers strike or other unforeseen job action or labor disruption.

**BE IT FURTHER RESOLVED** that this resolution will remain in effect until such time that it is rescinded by the Governing Board.

PASSED BY THE FOLLOWING VOTE:

AYES: Jody London, David Kakishiba, Jumoke Hodge, Vice President Christopher Dobbins, President Gary Yee

NAYS: None

ABSTAINED: None

ABSENT: Noel Gallo, Alice Spearman

I hereby certify that the foregoing is a full, true and correct copy of the Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held March 24, 2010.



Edgar Rakestraw  
Secretary, Board of Education  
Oakland Unified School District

**LEGISLATIVE FILE**

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Enactment No. 18-0436

Enactment Date 3/24/10 