

File ID Number: 14-0018  
Introduction Date: 1-6-14  
Enactment Number: 14-0015  
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. 1314-0115**

**California State Board of Education - General Waiver Request - Education Code  
Section 52055.740(a) - QEIA Funding (CSR – Rule of 27) – Urban Promise  
Academy - 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(a) on behalf of **Urban Promise Academy**, 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, Vice President James Harris and President David Kakishiba

NOES: None

ABSTAIN: None

ABSENT: Christopher Dobbins

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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By: [Signature]

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

Urban Promise Academy Middle School

**CD Code:** 01615296118657    **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:** Class Size Maximum Enrollment of 27  
**Ed Code Section:** 52055.740(a)  
**Ed Code Authority:** State Board of Education

**Ed Code or CCR to Waive:** 52055.740(a)

For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20.44 pupils per class, as set forth in the Class Size Reduction Program Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(i) At least five pupils fewer per classroom than was the average in 2006-07.

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding

under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

**Outcome Rationale:**

This Waiver is requesting that the requirement for Urban Promise Middle School to keep class size maximums at 27 students or fewer be suspended for the 2011-12 school year in light of the following circumstances:

The school had the class size averages in 6th grade of only 19.4 students during the 2012-13 school year; and class size averages in 7th grade of only 21.1 students during the 2012-13 school year, which is significantly below the district-wide class size averages for these grades.

However, one student enrolled in two sections of 6th grade resulted in temporary class sizes of 28 during the 2012-13 school year. As soon as the site administration became aware of this issue, they worked with the student assignment office to ensure that as attrition occurred no later than October of that year - the class sizes were maintained at 27 or below.

One student enrolled in four sections of 7th grade resulted in temporary class sizes of 28 during the 2012-13 school year. As soon as the site administration became aware of this issue, they worked with the student assignment office to ensure that as attrition occurred no later than December of that year - the class sizes were maintained at 27 or below.

**Student Population:**

Oakland USD has a student population of 36,262 and is located in an Urban Setting in Alameda County. Urban Promise Academy Middle School has a student population of 320 in 2012-13.

**City Type:** Urban

**Public Hearing Date:** January 6, 2014

**Public Hearing Advertised:** December 27, 2013

**Local Board Approval Date:** January 6, 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:**