

OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Superintendent

June 9, 2010

To: Board of Education

From: Anthony Smith, Superintendent, Ed.D.
Vernon Hal, Chief Financial Officer
William Nownes, Interim Director of State and Federal Compliance

Subject: **District Waiver Application - California State Board of Education - Elementary and Secondary Education Act, Title I, Part A, American Recovery and Reinvestment Act**

ACTION REQUESTED

Approval by Board of Education of Resolution No. 0910-0287 - Ratifying District's Waiver Application, dated May 26, 2010, submitted to the California Department of Education and/or California State Board of Education, seeking waivers, as specified in said application, for District's Elementary and Secondary Education Act, Title I, Part A, American Recovery and Reinvestment Act Funds.

BACKGROUND

The California Department of Education (CDE) and the State Board of Education (SBE), on behalf of all eligible local educational agencies, jointly submitted eight waiver requests to the United States Department of Education (ED). The granted waiver requests pertain to Title I, Part A of the Elementary and Secondary Education Act (ESEA) given the significant new funding for programs provided by the American Recovery and Reinvestment Act (ARRA) allocations for 2009–10 and the proposal to repeal provision *34 Code of Federal Regulations (CFR) Section 200.47(b)(1)(iv)(A), (B)*. LEAs may submit requests for specific waivers.

The Waiver application submitted by the District is in two parts, and if approved by the State Board of Education, is as outlined below and would have the effect stated:

District's Waiver Request (Part 1)

Section II (d) - To exclude all of Title I, Part A, ARRA funding from the calculation of per pupil amount for SES (ESEA Section 1116[e][6][A] and *34 CFR* Section 200.48[c][1]).

Waiver Effect (if granted)

This waiver, if granted, maintains the initial Per Pupil Rate (PPR) for SES services and ensures that District is able to use the additional ARRA allocation to provide SES services to additional students – not increase the PPR and thus provide higher cost services for fewer students.

District's Waiver Request (Part 2)

Section II (e) - To request a waiver from SBE to carryover more than 15 percent of its Title I, Part A, 2009 and 2010 allocations due to ARRA funding (ESEA Section 1127[a][b]).

Waiver Effect (if granted)

The District is projected to have a carryover larger than 15% for 2009-2010. This waiver will ensure that any carryover funds that exceed the 15% limit would not have to be returned and will be available for use during the 2010-2011 school year.

FISCAL IMPACT

Granting the waiver of Section II(d) - To exclude all of Title I, Part A, ARRA funding from the calculation of per pupil amount for SES (ESEA Section 1116[e][6][A] and 34 CFR Section 200.48[c][1]) by the California State Board of Education will have no fiscal impact.

Granting the waiver of section II(e) - To request a waiver from State Board to carryover more than 15 percent of its Title I, Part A, 2009 and 2010 allocations due to ARRA funding (ESEA Section 1127[a][b]) by the California State Board of Education will ensure that any carryover funds that exceed the 15% limit would not have to be returned and will be available for use during the 2010-2011 school year.

RECOMMENDATION

Approval by Board of Education of Resolution No. 0910-0287 - Ratifying District's Waiver Application, dated May 26, 2010, submitted to the California Department of Education and/or California State Board of Education, seeking waivers, as specified in said application, for District's Elementary and Secondary Education Act, Title I, Part A, American Recovery and Reinvestment Act Funds.

Attachments: Resolution No. 0910-0287

District's (LEA) Title I, Part A Waiver Application – May 26, 2010

File ID Number: 10-1467
Introduction Date: 6/4/10
Enactment Number: _____
Enactment Date: _____
By: _____

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

Resolution No. 0910-0287

Ratifying District's Waiver Application, dated May 26, 2010, submitted to the California Department of Education and/or California State Board of Education, seeking waivers, as specified in said application, for District's Elementary and Secondary Education Act, Title I, Part A, American Recovery and Reinvestment Act Funds.

WHEREAS, the California Department of Education (CDE) and the State Board of Education (SBE), on behalf of all eligible local educational agencies, jointly submitted eight waiver requests to the United States Department of Education (ED). The granted waiver requests pertain to Title I, Part A of the Elementary and Secondary Education Act (ESEA) given the significant new funding for programs provided by the American Recovery and Reinvestment Act (ARRA) allocations for 2009–10 and the proposal to repeal provision *34 Code of Federal Regulations (CFR) Section 200.47(b)(1)(iv)(A),(B)*; and,

WHEREAS, the United States Department of Education approved the eight waiver requests submitted by the California Department of Education (CDE) and the State Board of Education and thus enabled the California State Board of Education to grant these eight waivers to Local Education Agencies (LEAs); and,

WHEREAS, the District, as a local education agency, with time as the essence, acting through and by its Superintendent of Schools and President of the Board, signed and filed on May 26, 2010, with the California State Department of Education and/or the California State Board of Education, District's Title I, Part A Waiver Application seeking waivers for:

Section II(d) - To exclude all of Title I, Part A, ARRA funding from the calculation of per pupil amount for SES (ESEA Section 1116[e][6][A] and *34 CFR* Section 200.48[c][1]) in order to ensure the maximum number of students can participate in SES programs; and

Section II(e) - To request a waiver from SBE to carryover more than 15 percent of its Title I, Part A, 2009 and 2010 allocations due to ARRA funding (ESEA Section 1127[a][b]) in order to ensure that no ARRA Title I, Part A, 2009 and 2010 will be returned to the United States Department of Education due to exceeding the carryover limit,

NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby ratifies District's Waiver Application, dated May 26, 2010, submitted to the California Department of Education and/or the California State Board of Education, seeking waivers, as specified in said application, incorporated herein by reference as though fully set forth, for District's Elementary and Secondary Education Act, Title I, Part A, American Recovery and Reinvestment Act Funds.

Passed by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

I certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Education of the Oakland Unified School District at a Regular Meeting held June 9, 2010 at Oakland, CA.

Edgar Rakestraw
Secretary, Board of Education
Oakland Unified School District

Attachment: District's (LEA) Title I, Part A Waiver Application – May 26, 2010

File ID Number: 10-1467
Introduction Date: 6/4/10
Enactment Number: _____
Enactment Date: _____
By: _____

Local Educational Agency Title I, Part A Waiver Application

January 2010

Submit completed application to:
California Department of Education (CDE) at
TitleIWaivers@cde.ca.gov

LEA Name:

-- Select your District --

Person Completing This Report: William Nownes

Person Completing Position/Title: Interim Director, State and Federal Compliance

Contact e-mail Address: William.Nownes@OUSD.K12.Ca.US

Contact Phone Number: 510-879-8095

References:

Current local educational agency (LEA) allocations for regular fiscal year 2009 Title I, Part A, funds and the Title I, Part A, American Recovery and Reinvestment Act (ARRA) funds are on the California Department of Education (CDE) No Child Left Behind: Title I, Parts A & D Web page at <http://www.cde.ca.gov/fg/aa/ca/nclbtitlei.asp>.

Directions:

- 1) Select the LEA name from the drop-down menu. Refer to the "Enable Macros" attachment if you experience difficulties with the dropdown.
- 2) Enter the contact information of the person completing this report in the space provided.
- 3) Read the Assurance Statement and Signature page and the assurances related to each waiver request.
- 4) Select the chosen waiver(s) by checking the appropriate box; provide dollar amounts where requested. If you are applying for waiver II(a) or II(b), complete the ARRA LEA Waiver Plan Template located under the Waiver section on the CDE Title I, Part A Web page at <http://www.cde.ca.gov/sp/sw/t1/titleparta.asp>.
- 5) Print the application and obtain the signatures of the LEA superintendent and the local governing board president on page 4. Retain this copy of the assurances and any supporting documentation for compliance monitoring purposes.
- 6) A copy of the local governing board agenda and board minutes reflecting approval of the Title I, Part A, LEA Waiver Application will be maintained and made available for compliance monitoring.
- 7) Save this application electronically and send as an e-mail attachment to TitleIWaivers@cde.ca.gov. Please include your LEA name and County-District-School (CDS) code. Remember to attach the ARRA LEA Waiver Plan Template if you are applying for waiver II(a) or II(b).

-- Select your District --

The LEA requests the following:

Section I. Waivers of Title I, Part A, Statutory and Regulatory Requirements

- ☐ (a) Exemption from the 14-day school choice parent notification requirement for students enrolled in newly identified program improvement (PI) schools for 2009–10 or schools that anticipated exiting PI during the 2009–10 school year but did not (Elementary and Secondary Education Act [ESEA] Section 1116[b][1][E][i]; 34 *Code of Federal Regulations* [CFR] Section 200.37[b][4][iv]). Please note that this waiver was previously granted for all applicable LEAs by the SBE at its September, 2009 meeting. **The inclusion of this item in the application package, and your response, is for federal reporting purposes only. See assurances for Section I. (a) on page 5 of this application.**
- ☐ (b) To offer SES to schools in PI year one, in addition to public school choice, to eligible students and to count those SES expenditures for eligible students in those schools toward the local educational agency's (LEA's) 20 percent obligation (ESEA Section 1116[b][10] and 34 CFR Section 200.48). See assurances for **Section I. (b)** on page 6 of this application.

Section II. Waivers Related to Title I, Part A, ARRA Funds

- ☐ (a) To exclude some or all of Title I, Part A, ARRA funding from calculation of the LEA's 20 percent obligation for choice-related transportation and SES ESEA Section 1116[b][10] and 34 CFR Section 200.48[a][2]). See assurances for **Section II. (a)** on page 7 of this application and complete the ARRA LEA Waiver Plan.

ARRA Amount to be excluded: 0.00

- ☐ (b) To exclude some or all of Title I, Part A, ARRA funding from the calculation of the LEA's 10 percent obligation for professional development (ESEA Section 1116[c][7][A][iii]). See assurances for **Section II. (b)** on page 8 of this application and complete the ARRA LEA Waiver Plan.

ARRA Amount to be excluded: 0.00

Number of teachers and principals that have received standards-based instructional materials professional development: 0

Number of teachers and principals that have **not** received standards-based instructional materials professional development: 0

- ☐ (c) To exclude some or all of Title I, Part A, ARRA funding from the calculation of the LEA's 10 percent obligation for professional development for schools in PI (ESEA Section 1116[b][3][A][iii]). See assurances for **Section II. (c)** on page 9 of this application.

- ☒ (d) To exclude some or all of Title I, Part A, ARRA funding from the calculation of per-pupil amount for SES (ESEA Section 1116[e][6][A] and 34 CFR Section 200.48[c][1]). See assurances for **Section II. (d)** on page 10 of this application.

ARRA Amount to be excluded: 2930440.00

- ☒ (e) To request a waiver from CDE to carryover more than 15 percent of its Title I, Part A, 2009 and 2010 allocations due to ARRA funding (ESEA Section 1127[a][b]). See assurances for **Section II. (e)** on page 11 of this application.

**Title I, Part A – Local Educational Agency (LEA)
Assurance Statement and Signature Page**

The LEA certifies that:

- 1) All applicable state and federal statutory and regulatory requirements will be met by the LEA and information contained in this Title I, Part A, LEA Waiver Application is correct and complete.
- 2) Legal assurances for all individual waiver applications are accepted as the basic legal condition for the operation of programs and assurances with original signatures retained by the LEA for compliance monitoring.
- 3) A copy of the local governing board agenda and board minutes reflecting approval of the Title I, Part A, LEA Waiver Application will be maintained and made available for compliance monitoring.
- 4) Original signatures of the LEA superintendent, or designee, and board president for the Title I, Part A, LEA Waiver Application are on file.
- 5) All compliance items identified in the notification of finding from Categorical Program Monitoring (CPM):
 - a. Have been resolved (no further information is required), or
 - b. **Have not been resolved. Justification for not resolving findings and an action plan to resolve the findings is required in the LEA Waiver Plan, Box 1, located under the Waiver section on the California Department of Education (CDE) Title I, Part A Web page at <http://www.cde.ca.gov/sp/sw/t1/titleparta.asp>.**
- 6) Pursuant to *California Code of Regulations*, Title 5, (5 CCR) Sections 4600–4687, all Uniform Complaint Procedure (UCP) actions:
 - a. Have been resolved (no further information is necessary), or
 - b. **Have not been resolved. Justification for not resolving actions and an action plan to resolve the actions is required in the LEA Waiver Plan, Box 2, located under the Waiver section on the California Department of Education (CDE) Title I, Part A Web page at <http://www.cde.ca.gov/sp/sw/t1/titleparta.asp>.**

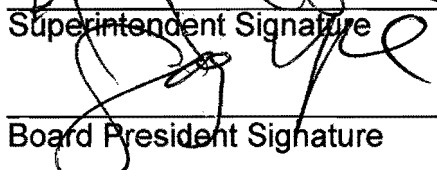
I hereby certify that all of the applicable state and federal rules and regulations will be observed by this LEA and that, to the best of my knowledge, information contained in this Waiver Application is correct and complete. Legal assurances for all programs are accepted as the basic legal condition for the operation of selected projects and programs and copies of assurances are retained onsite. I certify that we accept all general and program specific assurances for Titles I, II, and/or III as appropriate, except for those for which a waiver has been obtained. A copy of all waivers will remain on file. I certify that actual ink signatures for this LEA Waiver Application are on file. I further certify that, upon approval of any waiver requests by the SBE, necessary revisions of the LEA Plan will be submitted for local board approval.

In addition, the LEA agrees to submit a report to the California Department of Education (CDE) on June 1, 2010, that: (1) describes the uses of each waiver by the LEA or by its schools; (2) describes how schools continue to provide assistance to the same populations served by the program(s) for which the waiver was granted; and (3) evaluates the progress of the LEA and of schools in improving the quality of instruction or the academic achievement of students. The CDE will provide directions and guidance pertaining to the LEA submission of the report.



Superintendent Signature

5/26/10
Date



Board President Signature

5/26/10
Date

Web page of the LEA Plan:

Section I. (a)
Waiver of the Title I, Part A Statutory
and Regulatory Requirements

Local Educational Agency (LEA) Waiver Application to implement a one-year waiver of the 14-Day notice requirement only in schools that are newly identified for Program Improvement (PI) for the 2009–10 school year, or that could possibly have exited PI, corrective action, or restructuring for the 2009–10 school year but did not.

As a condition of approval, the LEA hereby assures that, for schools that are already identified for PI, corrective action, or restructuring and that cannot exit that status for the 2009–10 school year, even if they met adequate yearly progress (AYP), it will still comply with the 14-day notice requirement with respect to students in those schools.

In addition, the LEA hereby assures that it will meet the statutory requirement to provide notice of public school choice before the start of the school year (Elementary and Secondary Education Act [ESEA] Section 1116[b][1][E][i]).

An LEA that offers public school choice earlier to students in some schools, then later to students in other schools, hereby assures it will reserve a portion of the available transportation slots for students who receive the later notice.

Please note that this waiver was previously granted for all applicable LEAs by the SBE at its September, 2009 meeting. The inclusion of this item in the application package, and your response, is for federal reporting purposes only.

Section I. (b)
Waiver of the Title I, Part A Statutory
and Regulatory Requirements

Local Educational Agency (LEA) Waiver Application to have the flexibility to offer Supplemental Educational Services (SES) to eligible students in Title I schools in Program Improvement (PI) Year 1 (a year earlier than the law normally requires), *in addition* to offering public school choice (choice) options to students in those schools and to count the costs of providing SES to those students toward meeting the LEA's obligation to spend an amount at least equal to 20 percent of its Title I, Part A, Subpart 2 allocation on SES and choice-related transportation (20 percent obligation).

In the absence of such a waiver, an LEA may only count funds spent providing SES to eligible students attending schools in PI Year 2–5, in corrective action, or in restructuring toward its 20 percent obligation (Elementary and Secondary Education Act (ESEA) Section 1116[b][10]; *34 Code of Federal Regulations [CFR] § 200.48*).

As a condition of approval, the LEA hereby assures that, if it is granted this requested waiver, the LEA will ensure that it will meet all statutory and regulatory requirements related to SES in the 2009–10 school year (other than the particular funding requirement being waived).

Section II. (a)
Waivers Related to Title I, Part A ARRA Funds

Local Educational Agency (LEA) Waiver Application to exclude some or all of Title I, Part A, American Recovery and Reinvestment Act (ARRA) funds in determining the LEA's obligation to spend an amount equal to at least 20 percent of its FY 2009 Title I, Part A, Subpart 2 allocation on public school choice transportation and Supplemental Educational Services (SES). (Elementary and Secondary Education Act [ESEA] Section 1116[b][10]; 34 *Code of Federal Regulations* [CFR] § 200.48).

As a condition of approval, the LEA provides assurance that, if it is granted the requested waiver, it will adhere to the following conditions and requests for information:

- 1) Comply with its statutory and regulatory obligations for the provision of SES and public school choice with respect to its regular Title I, Part A, allocation.
- 2) Has:
 - a. Met all demand for SES and public school choice transportation (no further information is required), or
 - b. Not met all demand for SES requests. Justification for not meeting all demand and an action plan to meet demand is required in the LEA Waiver Plan Template, Boxes 3–6, located under the Waiver section on the California Department of Education (CDE) Title I, Part A Web page at <http://www.cde.ca.gov/sp/sw/t1/titleparta.asp>.**
- 3) Use the funds freed-up by the waiver to address needs identified based on data, such as Statewide or formative assessment results.
- 4) Comply with all of its other Title I, Part A, statutory and regulatory obligations, including the obligations in ESEA sections 1114 and 1115 to have schoolwide and targeted assistance programs that use effective methods and instructional strategies that are based on scientifically based research.
- 5) Enter the ARRA amount that the LEA would like to exclude for the purposes of this waiver on page 2 of this application.
- 6) Complete a LEA Waiver plan that describes the data on which it relied to identify needs that will be addressed using the funds freed up by the waiver and the strategies and actions it intends to use to address those needs. Please complete the LEA Waiver Plan template.

Section II. (b)

Waivers Related to Title I, Part A ARRA Funds

Local Educational Agency (LEA) Waiver Application to exclude some or all of its Title I, Part A funds received under the American Recovery and Reinvestment Act (ARRA) in calculating its LEA 10 percent professional development set-aside. (Elementary and Secondary Education Act [ESEA] Section 1116[c][7][A][iii]; 34 Code of Federal Regulations [CFR] § 200.52[a][3][iii]).

As a condition of approval, the LEA provides assurance that, if it is granted the requested waiver, it will adhere to the following conditions and requests for information:

1. Comply with its statutory and regulatory obligations for the professional development set-aside with respect to its regular Title I, Part A allocation.
2. Use the funds freed up by the waiver to address needs identified based on data, such as statewide or formative assessment results.
3. Comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in ESEA sections 1114 and 1115 to have schoolwide and targeted assistance programs that use effective methods and instructional strategies that are based on scientifically based research.
4. Enter the ARRA amount that the LEA would like to exclude for the purposes of this waiver on page 2 of this application.
5. Implementing standards-based instructional materials training in SBE-adopted or approved instructional materials for reading/language arts and mathematics for all teachers and principals. This includes, if applicable, implementing District Assistance and Intervention Team recommendations relative to this requirement.
 - a. Yes, all requirements and recommendations are implemented (no further information is required), or
 - b. **No**, all teachers and principals have not received standards-based instructional materials training. **Justification for not providing training and an action plan to provide training is required in the LEA Waiver Plan, Boxes 3–5 and Box 7, located under the Waiver section on the California Department of Education (CDE) Title I, Part A Web page at <http://www.cde.ca.gov/sp/sw/t1/titleparta.asp>.**
6. Complete a LEA Waiver Plan that describes the data on which it relied to identify needs that will be addressed using the funds freed up by the waiver and the strategies and actions it intends to use to address those needs. Please complete the LEA Waiver Plan template.

Section II. (c)
Waivers Related to Title I, Part A ARRA Funds

Local Educational Agency (LEA) Waiver Application to exclude all or some Title I, Part A American Recovery and Reinvestment Act (ARRA) funds from the required 10 percent professional development set-aside for a school in improvement in fiscal year 2009–10. (Elementary and Secondary Education Act [ESEA] Section 1116[b][3][A][iii]).

The LEA is seeking this waiver to allow its Title I schools that are identified for improvement to calculate their 10 percent professional development set-aside in accordance with the following formula:

$$(a) * (b/c) * (.10)$$

Where:

a = the total amount of FY 2009 Title I, Part A funds received by the school under ESEA Section 1113;

b = the portion of the LEA's FY 2009 Title I, Part A allocation provided through the regular FY 2009 appropriation; and

c = the LEA's total FY 2009 Title I, Part A allocation, including Title I, Part A, ARRA funds

As a condition of approval, the LEA provides assurance that, if the requested waiver is granted, the LEA will adhere to the following conditions:

- 1) Ensure that its schools will implement the waiver in accordance with the formula above;
- 2) Ensure that all schools in improvement within the LEA will comply with all statutory and regulatory requirements regarding their professional development obligations with respect to the funds that are not "factored out" in accordance with the formula above;
- 3) Ensure that its schools use the funds freed-up by the waiver to address needs identified based on data, such as statewide or formative assessment results; and
- 4) Ensure the LEA and its schools in PI will comply with all of their other Title I, Part A statutory and regulatory obligations, including the obligations in ESEA sections 1114 and 1115 to have schoolwide and targeted assistance programs that use effective methods and instructional strategies that are based on scientifically based research.

Section II. (d)

Waivers Related to Title I, Part A ARRA Funds

Local Educational Agency (LEA) Waiver Application to exclude Title I, Part A, American Recovery and Reinvestment Act [ARRA] funds in determining the LEA's per-pupil amount for Supplemental Educational Services (SES). (Elementary and Secondary Education Act [ESEA] Section 1116[e][6][A] and 34 *Code of Federal Regulations* [CFR] §200.48[c][1])

Enter the ARRA amount that the LEA would like to exclude for the purposes of this waiver on page 2 of this application.

The LEA hereby provides the following assurances:

- 1) The LEA will comply with all of the statutory and regulatory requirements regarding the provision of SES with respect to its regular fiscal year 2009 Title I, Part A allocation; and
- 2) The LEA will comply with all other Title I, Part A statutory and regulatory requirements (to the extent they are not waived), including the requirements in ESEA sections 1114 and 1115 to have school wide and targeted assistance programs that "use effective methods and instructional strategies that are based on scientifically based research."

Section II. (e)

Waivers Related to Title I, Part A ARRA Funds

Local Educational Agency (LEA) Waiver Application to carryover more than 15 percent of its Title I Part A American Recovery and Reinvestment Act (ARRA) allocation once every three years through its Consolidated Application. (Elementary and Secondary Education Act [ESEA] Section 1127[a]).

ESEA Section 1127(b) permits the California Department of Education (CDE) to waive the limitation of once every three years if (1) the LEA's request is reasonable and necessary; or (2) a supplemental Title I, Part A, allocation becomes available.

- 1) In accordance with these provisions, the LEA is requesting a waiver of the carryover limitation more than once every three years because of its Title I, Part A, funds made available under the ARRA, which is, by definition, a supplemental Title I, Part A, appropriation. The LEA is requesting this waiver for a period of two years to carry over excess fiscal year 2009 fiscal year Title I, Part A, funds to fiscal year 2010 and to carry over excess fiscal year 2010 Title I, Part A, funds to fiscal year 2011.
- 2) The LEA is obtaining a waiver of the carry over limitation in ESEA Section 1127(a) so that it can carry over more than 15 percent of its Title I, Part A, fiscal year 2009 or fiscal year 2010 allocation and has already received such a waiver within the prior three years (or receives such a waiver with respect to its fiscal year 2009 funds). The LEA shall apply to the CDE in accordance with CDE's regular procedures for waivers of the carry over limitation. The LEA hereby assures that it needs a waiver of the carry over limitation for the second (or third) time within three years because of its ARRA funds.

CDE Use Only

District Name: Oakland Unified

CDS Code: 01612590000000

Identify (If Applicable) District Assistance and Intervention Team (DAIT):

ARRA LOCAL EDUCATIONAL AGENCY WAIVER PLAN TEMPLATE

For 2009–10, states were invited to participate in the submission of specific waivers pertaining to Title I, Part A of the Elementary and Secondary Education Act (ESEA) given the significant funding for programs provided by the American Recovery and Reinvestment Act (ARRA) allocations for 2009-2010. In order for local educational agencies (LEAs) to apply to the California Department of Education (CDE) for the LEA set-aside obligation waivers in Section II(a) and II(b) of the waiver application, an ARRA LEA Waiver Plan Template must be developed. Rather than rewriting your existing LEA Plan at this time, the CDE recommends using this ARRA LEA Waiver Plan Template to address the identified needs. Type your responses in the expandable text boxes and submit as an e-mail attachment with your waiver application to TitleIWaivers@cde.ca.gov. State Board of Education (SBE) approved waivers may require a revision to your LEA Plan. Any revised LEA Plan should be posted to your LEA website.

The ARRA LEA Waiver Plan must be submitted to the CDE **with your waiver application**.

Please identify and prioritize the LEA's fundamental need(s).

Not applicable

Box 1.

Title I, Part A, Assurance Statement, Item 5: Justification for not resolving Categorical Program Monitoring (CPM) findings and action plan to resolve outstanding findings.

These are the following CPM findings and status for OUSD:

I-CP – 3 – HQT letters have been produced and mailed – need to upload documentation to California Assessment and Intervention System (CAIS) website.

II-CP – 6 – SSC has been correctly composed – need to upload documentation to CAIS.
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II- CP - 8 – Comprehensive Fixed Asset System is in development – due to complexity of project, anticipate full
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completion will take multiple years.

III – CP – 10 – correction to match FTE funding source to duties is ongoing. When completed, appropriate documentation will be uploaded to CAIS.

IV- CP – 13 – 2010-2011 Parent Guide has been modified to meet requirements of finding – waiting publication so documentation can be uploaded to CAIS.

IV- CP – 14 – ongoing process that requires coordination with multiple departments – trainings will take place no later than October, 2010.

V – CP – 15 - Assessment has been completed – corrective action plans have been developed – need to upload documentation to CAIS.

I – EL – 2 – Corrective actions are being implemented – proposed date of compliance May 30 – when completed documentation will be uploaded to CAIS.

I – EL – 3 – Corrective action plan is being implemented – due to complexity of resolution, projected completion date is November 30, 2010.

I – EL – 4 - Corrective action has been taken – need to upload documentation to CAIS.

I – CE – 1 – Parent Guide has been modified to meet requirements of finding – waiting publication so documentation can be uploaded to CAIS.

I – CE – 2 - Corrective action plan is being implemented – completion of resolution projected to be no later than September 30, 2010. When completed, documentation will be uploaded to CAIS.

I – PI – 6 - PI status letters - Corrective action cannot take place until August 2010 – when completed, documentation will be uploaded to CAIS.

I – ME – 1 - corrective action in process – when completed, will upload documentation to CAIS

II – ME – 3 - corrective action in process – when completed, will upload documentation to CAIS

V- ME – 5 - corrective action in process – when completed, will upload documentation to CAIS

V – ME – 7 - corrective action in process – when completed, will upload documentation to CAIS

III -ITQ – 3 – Level C documents - still finalizing – will upload to CAIS before June 15

IV - ITQ – 5 - Equitable Teacher Distribution Plan - still finalizing and assembling documentation – will upload to CAIS before June 15

Box 2

Title I, Part A, Assurance Statement, Item 6: Justification for not resolving Uniform Complaint Procedure (UCP)

actions and action plan to resolve unresolved actions.

No UCP appeals at CDE level

Box 3.

Please describe the data sources used to identify the fundamental need(s).

Examples of data include, but are not limited, to California Standards Test (CST), Adequate Yearly Progress (AYP) for the LEA and student subgroups, Academic Performance Index (API), California English Language Development Test (CELDT), district benchmark assessments, California High School Exit Examination (CAHSEE) and/or state board adopted curriculum embedded assessments.

Not applicable

Box 4.

Please describe the specific strategies and actions that the LEA will use and how those strategies will be used to address the fundamental need(s).

**Persons
Involved/Timeline**

Estimated Cost

**Funding
Source: ARRA
funds freed as
a result of the
waiver.**

Not applicable

Box 5.

Please describe the scientifically-based evidence that supports the specific strategies and actions.

Not applicable

Box 6.

Section II. (a) Item 2 (b): Justification for not meeting all demand and action plan to meet SES demand and requests.

Not applicable

Box 7.

Section II. (b) Item 5 (b): Justification for not providing training and action plan to provide standards-based instructional materials training.

Not applicable

ASSURANCE PAGE

LEA Plan Information:

Name of Local Educational Agency: Oakland Unified School District

County District School Code: 01612590000000

District Superintendent: Anthony Smith, Ph.D.

Address: 1025 Second Avenue

City: Oakland

Zip Code: 94606

Phone: 510-879-8200

FAX: 501-879-1834

E-mail:

Tony.Smith@OUSD.K12.Ca.US

Certification: I hereby certify that all of the applicable state and federal rules and regulations will be observed by this LEA and that, to the best of my knowledge, information contained in this Plan is correct and complete. Legal assurances for all programs are accepted as the basic legal condition for the operation of selected projects and programs and copies of assurances are retained onsite. I certify that we accept all general and program specific assurances for Titles I, II, and/or III as appropriate, except for those for which a waiver has been obtained. A copy of all waivers will remain on file. I certify that actual ink signatures for this LEA Waiver Plan are on file. I further certify that, upon approval of any waiver requests by the SBE, necessary revisions of the LEA Plan will be submitted for local board approval.

Signatures:

On behalf of the LEA and participants included in the preparation of this ARRA LEA Waiver Plan:

Signature of Superintendent

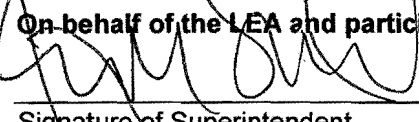
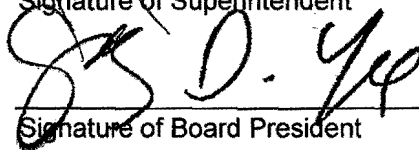
Printed Name of Superintendent

Date

Signature of Board President

Printed Name of Board President

Date

Anthony M. Smith

Gary D. Yee

5/26/10

5/26/±0