

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Superintendent

January 9, 2013

Legislative File

File ID No.: _____ 13-0015 _____
Introduction Date: _____ 01-09-13 _____
Enactment No.: _____ 13-0009 _____
Enactment Date: _____ Jan 9, 2013 _____
By: _____ O.S. _____

TO: Board of Education

FROM: Anthony Smith, Ph.D., Superintendent

SUBJECT: Public Hearing and Adoption of Resolution No. 1213-0068 – Request to the California State Board of Education for a General Waiver of Education Code Section 52055.740(a) on behalf of *Brookfield 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.

ACTION REQUESTED:

Conduct Public Hearing and Adoption of Resolution No. 1213-0068 – Request to the California State Board of Education for a General of Education Code Section 52055.740(a) on behalf of *Brookfield 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.

BACKGROUND:

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. 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. The Oakland Unified School District has 13 QEIA funded schools; four middle schools and nine elementary schools.

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. QEIA non-compliance reported for schools in the 2011-12 school years have been determined to be correctable under the state's General Waiver process. The district, in an effort to ensure maintenance of these funds for the 2013-14 school years for specific schools, must seek a General Waiver of the State Board of Education.

The District is taking steps to further assist QEIA funded schools in meeting the compliance targets set forth under the Quality Education Investment Act. The continued provision of QEIA funding for the

2013-14 school years will likely contribute significantly to continued academic gains for the designated school.

FISCAL IMPACT:

The adoption of the Request by the District and granting of the Waiver by the State Board of Education will assist the District in maintaining approximately \$210,000 in QEIA funding annually.

The approval of this waiver request will not have a negative fiscal impact on the District.

RECOMMENDATION:

Conduct Public Hearing and Adoption of Resolution No. 1213-0068 – Request to the California State Board of Education for a General of Education Code Section 52055.740(a) on behalf of ***Brookfield 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.

Attachments: Resolution No. 1213-0068
California Department of Education General Waiver Request Form

Board Office Use: Legislative File Info.	
File ID Number	13-0015
Introduction Date	1-09-13
Enactment Number	13-0009
Enactment Date	01-09-13 <i>at</i>



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

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

Resolution No 1213-0068

**California State Board of Education - General Waiver Request - Education Code
Section 52055.740(a) - QEIA Funding (HQT) - Brookfield Elementary School -
Fiscal Year 2011-2012**

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 2011-12 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 2013-14 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 2013-14 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, QEIA Funding HQT – Fiscal Year 2011-12, on behalf of **Brookfield 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; and

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 effectuate the foregoing.

Passed by the following vote:

AYES: Gary Yee, Jody London, Christopher Dobbins, James Harris, Roseann Torres, Vice President Jumoke Hinton Hodge, 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 Regular Meeting of the Governing Board of the Oakland Unified School District held on January 9, 2013.

Board Office Use: Legislative File Info.	
File ID Number	13-0015
Introduction Date	1-09-13
Enactment Number	13-0009
Enactment Date	01-09-13 <i>o.d.</i>

Edgar Rakestraw, Jr.
Secretary, Board of Education

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

CD Code:

Waiver Number:

Active Year: 2012

Date In:

Local Education Agency:

Oakland Unified School District

Address:

1025 2nd Ave.

Oakland, CA

Start: 2011-12 school year

End: 2011-12 school year

Waiver Renewal: Y/N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act

Ed Code Title: Highly Qualified Teacher Requirement

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:

(3) Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

Outcome Rationale:

QEIA requires that all teachers on a campus meet HQT requirements. For a brief period of time in 2011-12 (from 8/29/2011 to 9/30/2011), Brookfield Elementary School had a teacher on staff that did not meet the HQT requirements for her position. The master schedule erroneously listed the position as a bilingual assignment; however the position was not bilingual. When this error was discovered, the teacher was relocated to another site and replaced by a teacher that fulfilled HQT requirements. The District acted within its contractual guidelines to move a teacher according to the Oakland Education Association contract, and within fewer than 30 working days from the start of the position.

Student Population:

Oakland USD has a student population of 38,040 (in 2011-12) and is located in an Urban Setting *in Alameda* County. Brookfield Elementary School had a student population of 385 in 2011-12.

City Type: Urban

Public Hearing Date: January 9, 2013

Public Hearing Advertised: December 20, 2012

Local Board Approval Date: scheduled for January 9, 2013

Please identify the appropriate council(s) or advisory committee(s) that reviewed this waiver.

Date the committee/council reviewed the waiver request:

Were there any objection(s)

Audit Penalty: Y/N

Categorical Program Monitoring: Y/N

Submitted by: Megan Sweet

Position: Coordinator, School Portfolio Management

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Bargaining Unit: Oakland Education Association

Date: December 21, 2012

Name: Trish Gorham

Representative:

Title: President, Oakland Education Association

Support Comments:

Bargaining Unit:

Date:

Name:

Representative:

Title:

Support Comments: