

| Board Office Use: Legislative File Info. | |
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| File ID Number | 13-0723 |
| Introduction Date | April 24, 2013 |
| Enactment Number | 13-0677 |
| Enactment Date | 4-24-13 |



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Dr. Anthony Smith, Superintendent
Maria Santos, Deputy Superintendent

Board Meeting Date April 24, 2013

Subject **Adoption of Resolution 1213-0147, Requesting State Superintendent Of Public Instruction For Renewal of Alternative School of Choice Waiver of Education Codes Pertaining to Compulsory Education/Truancy Laws**

Action Requested Adoption of Resolution 1213-0147 – Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Compulsory Education/Truancy Laws for the period from July 1, 2013 to June 30, 2015 to fully implement the Gateway to College Alternate High School at Laney College.

Background
A one paragraph explanation of why the consultant's services are needed.

Gateway to College is a nationally recognized education model serving youth who have dropped out of high school. In June 2008, the District authorized the establishment of Gateway as an Alternative education high school to be operated on the Laney Campus. Students attending Gateway are concurrently enrolled in Laney and Oakland Unified School and from their first day earn credits toward a high school diploma and an Associate's Degree. Gateway's student body is largely comprised of foster youth, adjudicated youth, teen parents, and students recovering from homelessness or drug and alcohol abuse.

Discussion
One paragraph summary of the scope of work.

Gateway to College at Laney Alternative High School is a school of high expectations and equally high levels of community support with the goal that vulnerable youth receive a second chance to re-engage in education in a meaningful way and create better lives for themselves.

The District will seek and obtain all necessary renewal waivers from the California Department of Education in order to fully continue to support Gateway. Under the Waiver Authority of the Education Code Section 58509, the particular Education Code or the California Code of Regulations Section(s) or portion thereof to be waived is: Compulsory Education/Truancy Laws.

This is a request to again seek waiver of the following sections of the California education Code related to compulsory education law.



- Education Code §48200 – Children between ages 6 and 18 (Compulsory Education)
- Education Code §48260 – Definition; legislative intent (Truancy)
- Education Code §48260.5 – Notice to parents
- Education Code §48260.6 – School Attendance Review Board (SARB) process
- Education Code §48262 – Habitual Truant
- Education Code §48263 – Referral of habitual truants to probation officer or district attorney

Children between the ages 6 and 18, who are not exempt under a particular provision of the Education Code, are subject to compulsory fulltime education or compulsory continuation education. Such students are required to attend school for the length of the school day. Consequently, any student subject to compulsory education who is absent from school; without a valid excuse three full days in one school year or absent for more than any 30-minute period during the school day without valid excuse, is a truant and subject to the penalties enumerated in the Education Code.

Under the California Department of Education regulation and the Alternative School of Choice Waiver Request for (CDE form AEW-1 (Rev 3/10)), no public hearing is required if the renewal waiver is not controversial. In addition, meet and confer with bargaining units and review by the SSC are not required if the renewal waiver is not controversial. OEA and the SSC have been advised that the District is seeking renewal of the waivers. There is no controversy related to the Gateway program.

Recommendation

Adoption of Resolution 1213-0147 – Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Compulsory Education/Truancy Laws for the period from July 1, 2013 to June 30, 2015 to fully implement the Gateway to College Alternate High School at Laney College.

Fiscal Impact

Funding resource name: None to the District

Attachments

- Resolution No. 1213-0147
- Alternative School of Choice Renewal Waiver Request with Attachment

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

Resolution No. 1213-0147

Request to the State Superintendent of Public Instruction for Renewal of the Alternative School of Choice Waiver of Education Codes pertaining to the following sections of the California Education Code related to related compulsory education and the truancy laws enacted to implement the **Compulsory Education** law; *Ed. Code § 48200 – Children between ages 6 and 18 (Compulsory Education), Ed. Code § 48260 – Definition; legislative intent (Truancy), Ed. Code § 48260.5 – Notice to parents, Ed. Code § 48260.6 – School Attendance Review Board (SARB) process, Ed. Code § 48262 – Habitual Truant, Ed. Code § 48263 – Referral of habitual truants to probation officer or district attorney* for Fiscal Years 2013-2014 and 2014-2015.

WHEREAS, The Oakland Unified School District and the Peralta Community College District will operate the Gateway to College alternative high school on the Laney College Campus; and

WHEREAS, Children between the ages of 6 and 18, who are not exempt under a particular provision of the Education Code, are subject to compulsory full-time education or compulsory continuation education; and

WHEREAS, Such students are required to attend school for the length of the school day; and

WHEREAS, Consequently, any student subject to compulsory education who is absent from school without a valid excuse three full days in one school year or absent for more than any 30-minute period during the school day without valid excuse, is a truant and subject to the penalties enumerated in the Education Code, and

WHEREAS, the District is requesting the renewal of the waiver because students who have dropped out of school are severed from the attendance roles and are not reported as truants; and

WHEREAS, Neither the truancy nor compulsory education laws are relevant to the population of students being served by the Gateway to College program; and

WHEREAS, Because Gateway to College is a college-based program, renewal of the waiver of the aforementioned code provisions is necessary to fully implement Gateway to College in the college setting. The District is requesting a renewal of the waiver for two years, the maximum permitted under the statute; and

WHEREAS, Gateway to College at Laney College is part of the Early College High School Network which is listed as a type of school that can be established under the statutory

framework of section 58500 et seq. of the Education Code. The school was established in accordance with statutory procedures and approved by the governing board of the Oakland Unified School District and the California Department of Education, and

WHEREAS, renewal of the waiver of the aforementioned K-12 provisions is necessary to fully implement the Gateway to College model in the college setting; and

WHEREAS, the District is requesting renewal of the waiver for two years; and

WHEREAS, the request by the District for and granting of the renewal of the Waiver by the State Superintendent of Public Instruction will allow Gateway to College to continue to operate on the Laney College campus and collect apportionment, which it would otherwise be denied; and

WHEREAS, the request by the District and granting of the renewal of the Waiver by the State Superintendent of Public Instruction will not have a negative fiscal impact on, or otherwise harm, the District; and

WHEREAS, as provided by California Department of Education regulations a public hearing is not required for renewal requests that are not controversial; and

WHEREAS, this renewal waiver request is not controversial; and

WHEREAS, at its April 24, 2013 meeting, the Board of Education authorized the District to seek waiver of Education Codes pertaining to Compulsory Education; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Education of the District hereby approves the District's Request for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to compulsory education and the truancy laws enacted to implement the compulsory education law; *Ed. Code § 48200 – Children between ages 6 and 18 (Compulsory Education), Ed. Code § 48260 – Definition; legislative intent (Truancy), Ed. Code § 48260.5 – Notice to parents, Ed. Code § 48260.6 – School Attendance Review Board (SARB) process, Ed. Code § 48262 – Habitual Truant, Ed. Code § 48263 – Referral of habitual truants to probation officer or district attorney.*

PASSED AND ADOPTED by the Governing Board of the Oakland Unified School District this 24th day of April, 2013, by the following vote, to wit:

AYES: Jody London, James Harris, Roseann Torres, Vice President Jumoke Hinton Hodge, President David Kakishiba

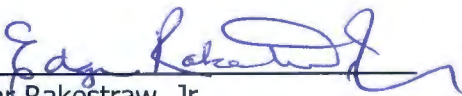
NOES: None

ABSTAINED: None

ABSENT: Gary Yee, Christopher Dobbins

CERTIFICATION

I, Edgar Rakestraw, Secretary of the Governing Board of the Oakland Unified School District, Alameda County, State of California, do hereby certify that the foregoing Resolution was duly approved and adopted by the Governing Board of said District at a meeting thereof held on the 24th day of April, 2013 with a copy of such Resolution being on file in the Office of the Governing Board of said District.


Edgar Rakestraw, Jr.
Secretary, Governing Board

| Board Office Use: Legislative File Info. | |
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CALIFORNIA STATE DEPARTMENT OF EDUCATION
ALTERNATIVE SCHOOL OF CHOICE WAIVER REQUEST
 AEW-1 (Rev. 3/10)

Check one: First time waiver
 Renewal waiver

Return to: Educational Options Office
 California Department of Education
 1430 N Street, Suite 6408
 Sacramento, CA 95814-5901

Telephone: 916-322-5012
 Fax: 916-323-2039

County and District Code:

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| Local Educational Agency: Oakland Unified School District | Contact recipient of approval/denial notice: Dr. Anthony Smith, Superintendent |
|--|---|

| | | | | |
|-------------------------------------|-----------------|-------------|--------------|--------------------------|
| Address: 2111 International Blvd | City Oakland | State CA | ZIP 94606 | Phone: (510) 434-7790 |
|-------------------------------------|-----------------|-------------|--------------|--------------------------|

| | | |
|--|--|--|
| Period of request: <i>(month/day/year)</i> From: July 1, 2013 To: June 30, 2015 | Local board approval date: <i>(Required)</i> April 24, 2013 | Date of public hearing: <i>Note necessary for renewal waivers, unless controversial.</i> N/A |
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Part 1: LEGAL CRITERIA

(PLEASE PROVIDE THE INFORMATION REQUESTED IN THE SPACES DESIGNATED)

1. Under the Waiver Authority of the **Education Code Section 58509**, the particular **Education Code** or the **California Code of Regulations** section(s), or portion(s) thereof to be waived: Compulsory Education

2. If this is a renewal of a previously approved waiver, list approval date, and attach a copy of the original document: August 6, 2012
See Attached

3. **Position of the bargaining unit.** Does the district have any employee bargaining units? Yes No
Not necessary for Renewal Waivers unless controversial.

Date(s) the bargaining unit(s) was/were consulted: N/A / _____ / _____

Name of the bargaining unit person(s) consulted: _____ / _____ / _____

The position(s) of the bargaining unit(s) was/were: Neutral Support Oppose *Please summarize below.*

Comments (If appropriate): Renewal Waiver is not controversial

4. **Public hearing requirement.** A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district (modeled after *Education Code* Section 5362). *Not necessary for Renewal Waivers unless controversial.*

How was the required public hearing advertised? N/A

Notice in a newspaper Notice posted at each school Other _____ *Please summarize below.*
Renewal Waiver is not controversial

5. **Advisory committees/school site councils.** Please identify the committee or council that reviewed this waiver:
Not necessary for Renewal Waivers unless controversial.
N/A

Date the committee/council reviewed the waiver request: _____

Check here, if there were objection(s) *Please summarize the objection(s) below.*

Renewal Waiver is not controversial

PART II. PURPOSE AND DESIRED OUTCOMES

1. Summary of the Education Code or California Code of Regulations section(s) or portion(s) to be waived.
 Please summarize the meaning, in plain language, of the *Education Code* or California Code of Regulations Section(s) or portion(s) to be waived. If a portion of a section is requested to be waived, include that portion verbatim.

SEE ATTACHED

2. Desired outcome/rationale.
 State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations.

SEE ATTACHED

3. For a waiver renewal, district also must certify:

- | | | |
|-------------------------------------|--------------------------|---|
| True | False | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | The facts which precipitated the original waiver request have not changed. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | The remedy for the problem has not changed. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it. |

Renewals of Alternative School of Choice waivers must be submitted **two months prior** to the date the active waiver expires. The local governing board must approve the renewal request. Because the district certifications above assure the State Superintendent that there is no evidence of controversy associated with the waiver's renewal, it is not necessary to repeat the public hearing. Submit the renewal request **at least two months before the waiver expires** to ensure enough time for action by the State Superintendent before the present waiver expires. Retroactive waivers must go through the *first time waiver process*.

District or County Certification

I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee

Title
 Superintendent

Date

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Responsible Office:

Guidelines: Met Not Met Don't Exist

CALIFORNIA DEPARTMENT OF EDUCATION RECOMMENDATION: Approve Deny

Staff (Type or print)

Staff (Signature)

Date:

Unit Manager (Type or print)

Unit Manager (Signature)

Date:

Division Director (Type or print)

Division Director (Signature)

Date:

Deputy (Type or print)

Deputy (Signature)

Date

Renewal Waiver Application
[Compulsory Education/Truancy Laws]

Part II. Purpose and Desired Outcomes

1. ***Summary of the Education Code or California Code of Regulations Section(s) or portion(s) to be waived.*** Please summarize the meaning, in plain language, of the Education Code or California Code of Regulations Sections(s) or portions(s) to be waived. If a portion of a section is requested to be waived, include that portion verbatim.

This is a renewal request to waive the following sections of the California Education Code related to regulations on student achievement and parental notification of student performance.

- *Education Code § 48200 – Children between ages 6 and 18 (Compulsory Education)*
- *Education Code § 48260 – Definition; legislative intent (Truancy)*
- *Education Code § 48260.5 – Notice to Parents*
- *Education Code § 48262 – Habitual Truant*
- *Education Code § 48263 – Referral of habitual truants to probation officer or district attorney*

Children between the ages of 6 and 18, who are not exempt under a particular provision of the Education Code, are subject to compulsory full-time education or compulsory continuation education. Such students are required to attend school for the length of the school day. Consequently, any student subject to compulsory education who is absent from school without a valid excuse three full days in one school year or absent for more than any 30-minute period during the school day without a valid excuse, is a truant and subject to the penalties enumerated in the Education Code.

2. ***Desired outcome/rationale.*** State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations.

The legislation authorizing the establishment of alternative schools of choice provides, in part, that school districts may establish alternative schools based on the premise that the best learning takes place when the student learns because of his or her desire to learn. Alternative schools and programs of choice are often characterized by responsiveness to instructional style differences, the positive consequences of being a school of choice, and small unit size. The Gateway to College alternative high school fits this profile.

Gateway to College at Laney College ("Gateway") serves 350 students, 16 to 20 years old, who have dropped out of school and provides a second chance for students to get back on a path leading to economic and educational opportunity. In keeping with the

statutory purpose, the program achieves success by maintaining a learning situation that maximizes student self-motivation and encourages a student in his own time to follow his interests.

Because the program is offered on a college campus, students feel that they are treated as adults, and respond well to the academic and behavior expectations of the college environment, particularly as it relates to attendance and class participation. The District is requesting a renewal to the waiver because students who have dropped out of school are severed from the attendance roles and are not reported as truants. Hence, neither the truancy nor compulsory education laws are relevant to the population of students being served by the Gateway to College program. Therefore, a renewal waiver of the aforementioned K-12 provisions is necessary to fully implement the Gateway to College model in the college setting. The District is requesting a renewal of the waiver for two years to fully implement the Gateway to College model in the college setting.

Evaluation Procedure

An annual evaluation, pursuant to Education Code Section 58510, will be performed in accordance with guidelines established by the California Department of Education and the State Superintendent of Public Instruction. The evaluation will be conducted by the OUSD Office of Alternative Education and will include input from key stakeholders such as teachers, students, and parents and guardians.

The methodology used will be consistent with evaluations of other OUSD Alternative Schools and Programs. The evaluation will include student performance data on K-12 mandatory testing and will examine features such as the following to determine their impact on student learning outcomes:

- Sustainable Partnership (e.g., advisory committee, referrals, information sharing systems, etc.)
- Integration of the program into college (e.g., attendance on college calendar, college orientation, flexible class schedule)
- Dual credit (e.g., diploma and testing requirements are aligned with college courses, counselors trained in high school and advising systems)
- Adequate teaching and administrative staff
- Collaboration between faculty members and between students (e.g., team based approach to student success)
- Teaching and Learning (e.g., rigor and relevance in the curriculum)
- Student Support systems (e.g., focus on academic and non-academic barriers)
- Professional Development for faculty and staff (e.g., mission and core values communicated, roles and responsibilities are clearly communicated)

School is Legally Compliant

Gateway to College at Laney College is part of the Early College High School Network which is listed as a type of school that can be established under the statutory framework of section 58500 et seq. of the Education Code. The school was established in

accordance with statutory procedures and approved by the governing board of the Oakland Unified School District and the California Department of Education.