

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Superintendent

January 25, 2012

Legislative File 12-0230
File ID No.: _____
Introduction Date: 1-25-12
Enactment No.: 12-0228
Enactment Date: 1-25-12
By: B

TO: Board of Education
FROM: Anthony Smith, Ph.D., Superintendent

SUBJECT: Public Hearing and Adoption of Resolution No. 1112-0120 – Request to the California State Board of Education for a General Waiver of Education Code Section 52055.740 on behalf of *Frick Middle 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. 1112-0120 – Request to the California State Board of Education for a General of Education Code Section 52055.740 on behalf of *Frick Middle 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 19 QEIA funded schools; four middle schools and fifteen 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 2010-11 school year has 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 2012-13 school year 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 2012-13 school year will likely contribute significantly to continued academic gains for 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 \$2,500,000 in QEIA funding over the next two years.

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. 1112-0120 – Request to the California State Board of Education for a General of Education Code Section 52055.740 on behalf of *Frick Middle 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. 1112-0120
California Department of Education General Waiver Request Form

Board Office Use: Legislative File Info.	
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OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

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

Resolution No 1112-0120

**California State Board of Education - General Waiver Request - Education Code
Section 52055.740(a) - QEIA Funding (Class Size Maximum Enrollment) –Frick
Middle School - Fiscal Year 2010-2011**

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 19 QEIA funded schools; four middle schools and fifteen 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 2010-11 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 2012-13 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 2012-13 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 Governing Board hereby approves the District's Request for General Waiver of Education Code Section 52055.740 - **Class Size Maximum Enrollment** - on behalf of **Frick Middle 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.

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: David Kakishiba, Noel Gallo, Christopher Dobbins, Vice President
Jumoke Hinton Hodge, President Jody London

NOES: None

ABSTAIN: None

ABSENT: Gary Yee, Alice Spearman

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 25, 2012.

Edgar Rakestraw, Jr.
Secretary, Board of Education

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: X
 Renewal Waiver:

Send Original plus one copy to:
 Waiver Office, California Department of Education
 1430 N Street, Suite 5602
 Sacramento, CA 95814

Send Electronic copy in **Word** and
 back-up material to: waiver@cde.ca.gov

CD CODE						
6	0	5	7	0	2	0

Local educational agency: Oakland Unified School District on behalf of Frick Middle School			Contact name and Title: David Montes – Executive Director			Contact person's e-mail address: david.montes@ousd.k12.ca.us		
Address:		(City)	(State)	(ZIP)	Phone (and extension, if necessary): 510-336-7500			
1025 Second Ave.		Oakland,	CA	94606-2212	Fax Number: 510-482-6674			
Period of request: (month/day/year)			Local board approval date: (Required)			Date of public hearing: (Required)		
From: 07/01/10 To: 06/30/11								

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: **EC** or *CCR*

Topic of the waiver: Class size maximum enrollment of 27.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____
 Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? No Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 1/6/12

Name of bargaining unit and representative(s) consulted: OEA

The position(s) of the bargaining unit(s): Neutral Support Oppose (*Please specify why*)

Comments (if appropriate):

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.

How was the required public hearing advertised?

Notice in a newspaper Notice posted at each school Other: (*Please specify*)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:

Were there any objection(s)? No Yes (*If there were objections please specify*)

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

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:

(iii) ~~For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. If the subject-specific 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 class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

7. Desired outcome/rationale. 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. If more space is needed, please attach additional pages.

This Waiver is requesting that the Maximum Class size Enrollment of 27 be waived for three classrooms at Frick Middle School for the 2010-2011 school year.

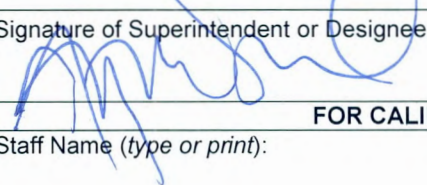
Please see additional Attached information.

8. Demographic Information:
Oakland USD has a student population of 46,600 and is located in an Urban Setting in Alameda County.
Frick Middle School has a student population of 399.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No X Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: 	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (<i>type or print</i>):	Staff Signature:	Date:
Unit Manager (<i>type or print</i>):	Unit Manager Signature:	Date:
Division Director (<i>type or print</i>):	Division Director Signature:	Date:
Deputy (<i>type or print</i>):	Deputy Signature:	Date: