

OAKLAND UNIFIED SCHOOL DISTRICT  
Office of the Superintendent

January 9, 2013

**Legislative File**

File ID No.: \_\_\_\_\_ 13-0026 \_\_\_\_\_  
Introduction Date: \_\_\_\_\_ 01-09-13 \_\_\_\_\_  
Enactment No.: \_\_\_\_\_ 13-0020 \_\_\_\_\_  
Enactment Date: \_\_\_\_\_ Jan 9, 2013 \_\_\_\_\_  
By: \_\_\_\_\_ *AS* \_\_\_\_\_

**TO:** Board of Education

**FROM:** Anthony Smith, Ph.D., Superintendent

**SUBJECT:** Public Hearing and Adoption of Resolution No. 1213-0079 – Request to the California State Board of Education for a General Waiver of Education Code Section 52055.740(a) 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. 1213-0079 – Request to the California State Board of Education for a General Education Code Section 52055.740(a) 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 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 year 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 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 2013-14 school year 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 \$305,000 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. 1213-0079 – Request to the California State Board of Education for a General of Education Code Section 52055.740(a) 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. 1213-0079  
California Department of Education General Waiver Request Form

Board Office Use: <b>Legislative File Info.</b>	
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OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

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

**Resolution No 1213-0079**

**California State Board of Education - General Waiver Request - Education Code  
Section 52055.740(a) - QEIA Funding (CSR) - Frick Middle 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 CSR – Fiscal Year 2011-12, 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; 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.

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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 2<sup>nd</sup> 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:** Class Size Reduction Targets Temporarily Increased

**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 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 Class Size Reduction Targets established for Frick Middle School of 18.72 students in 6<sup>th</sup> grade be increased to 23.2 and 20.77 students in 7<sup>th</sup> grade be increased to 21.6 for the 2011-12 school year in light of the following circumstances:

The school made a good-faith effort to stay within QEIA class size targets in 2011-12. As a small middle school, the site struggled to stay within QEIA targets while also balancing a middle school master schedule that included core courses and electives, and being able to receive new students throughout the year. Despite these challenges, the site was able to keep average enrollment within range of QEIA targets, and below 25 students.

**Student Population:**

Oakland USD has a student population of 38,040 (in 2011-12) and is located in an Urban Setting *in Alameda County*. Frick Middle School had a student population of 431 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

**E-mail:** megan.sweet@ousd.k12.ca.us

**Telephone:** (510)336-7500

**Fax:** (510)482-6774

**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:**