Board Office Use: Le	gislative File Info.
File ID Number	12-1155
Introduction Date	May 9, 2012
Enactment Number	12-1271
Enactment Date	5-9-12 BD



Memo

To

Board of Education

From

Dr. Anthony Smith, Superintendent Maria Santos, Deputy Superintendent

Board Meeting

Date Subject May 9, 2012

Adoption of Resolution 1112-0252, Requesting State Superintendent Of Public Instruction For Renewal of Alternative School of Choice Waiver of Education Codes Pertaining to Community College Attendance — Summer

Courses.

Action Requested

Adoption of Resolution 1112-0252 – Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Community College Attendance – Summer Courses.

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: Community College Attendance – Summer Courses.

This is a request to again seek waiver of the following sections of the California Education Code related to providing the criteria under which a

high school student can enroll in a community college summer course.

- Education Code §48800 (d)(1) Criteria for community college summer session
 - (d)(1) The principal of a school may recommend a pupil for community colleges summer session only if that pupil meets all of the following criteria:
 - (A) Demonstrates adequate preparation in the discipline to be studied.
 - (B) Exhausts all opportunities to enroll in an equivalent course, if any, at his or her school of attendance.
- (2) For any particular grade level, a principal shall not recommend for community college summer session attendance more than 5 percent of the total number of pupils who completed that grade immediately prior to the time of recommendation.
- (3) A highs school pupil recommended by his or her principal for enrollment in an course shall not be included in the 5 percent limitation of pupils allowed to be recommended pursuant to paragraph (2) if the course in which the pupil is enrolled meets one of the criterion listed in subparagraphs (A) to (C), inclusive, and the high school principal who recommends the pupil for enrollment provides the Chancellor of the California Community Colleges, upon the request that office, with the data required for purposes of paragraph (4).
 - (A) The course is a lower division, college-level course for credit that is designated as part of the Intersegmental General Education Transfer Curriculum or applies toward the general education breadth requirements of the California State University.
 - (B) The course is a college-level, occupational course for credit assigned a priority code of "A", "B", or "C", pursuant to the Student Accountability Model, as defined by the Chancellor of the California Community Colleges and reported in the management information system, and the course is part of a sequence of vocational or career technical education courses leading to a degree or certification in the subject area covered by the sequence.
 - (C) The course is necessary to assist a pupil who has not passed

the California High School Exit Examination (CAHSEE), does not offer college credit in English language arts or mathematics, and the pupil meets both of the following requirements:

- (i) The pupil is in his or her senior year of high school.
- (ii) The pupil has completed all other graduation requirements prior to the end of his or her senior year, or will complete all remaining graduation requirements during a community college summer session, which he or she is recommended to enroll in, following his or her senior year of high school.
- (4) On or before November 1, 2007, and on or before January 1 of each year thereafter, the Chancellor of the Community Colleges shall report to the Department of Finance the number of pupils recommended pursuant to paragraph (3) who enroll in community college summer session courses and who receive a passing grade.
- (5) The Board of Governors of the California Community Colleges shall not include enrollment growth attributable to paragraph (3) as part of its annual budget request for the California Community Colleges.
- (6) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2, compliance with this subdivision shall not be waived.
- (e) Paragraphs (3), (4), and (5) of subdivision (d) shall become inoperative on January 1, 2014.

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 1112-0252 – Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Community College Attendance – Summer Course.

Fiscal Impact

Funding resource name: None to the District

Attachments

- Resolution No. 1112-0252
- Alternative School of Choice Renewal Waiver Request with Attachment

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

Resolution No. 1112-0252

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 providing the criteria under which a high school student can enroll in a **Community College Summer Course**; *Education Code § 48800 (d)(1) – Criteria for community college summer session* for Fiscal Year 2012-2013.

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, Gateway to College is a college-based program serving at-risk youth, 16 to 20 years old, who have dropped out of school; and,

WHEREAS, All classes are college classes, and the program is fully integrated into the college setting; and

WHEREAS, Gateway to College classes are offered both during the academic year and summer term, providing much needed flexibility for working students or students with children; and

WHEREAS, The ability to enroll in summer courses is a necessary component of the program and would facilitate the timely completion of graduation requirements; 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 one year, 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 requesting renewal of the waiver for one year; 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 May 9, 2012 meeting, the Board of Education authorized the District to seek waiver of Education Codes pertaining to Community College Summer Course; 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 providing the criteria under which a high school student can enroll in a community college summer course; Education Code § 48800 (d)(1) – Criteria for community college summer session.

PASSED AND ADOPTED by the Governing Board of the Oakland Unified School District this 9th day of May, 2012, by the following vote, to wit:

AYES: Gary Yee, Noel Gallo, Christopher Dobbins, Alice Spearman, President Jody London

NOES: None

ABSTAINED: None

ABSENT: David Kakishiba, Vice President Jumoke Hinton Hodge

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 9th day of May, 2012 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.						
File ID Number	12-1155					
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CALIFORNIA STATE DEPARTMENT OF EDUCATION ALTERNATIVE SCHOOL OF CHOICE WAIVER REQUEST

First time waiver ☐ Renewal waiver ☒

AEW-1 (Rev. 3/10)

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

Check one:

Contact recipient of approval/denial notice: Dr. Anthony Smith, Superintendent		1 dx. 510-52	2000	County and District Code:	0	1	_	6	1	2	5	9
1025 Second Avenue										notice:		
Date of public hearing: Note the bargaining unit. Does the district have any employee bargaining units? Pat (s) the bargaining unit (s) was/were: Note recessary for Renewal Waivers unless controversial. Pat (s) 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 my testify on the waiver proposal. Distribution of local board append a notice that includes the time, date, location, and and three public places in the district (modeled after Education Code Section 5362). Not necessary for Renewal Waivers unless controversial. 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 requirement. A public hearing is not simply a board meeting at one time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice stee time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice acet schools 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. Please summarize below. Please summarize below. Please summarize the objection(s) below.	Add	dress:	City	State	ZIP.				0200			-
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CALIFORNIA STATE DEPARTMENT OF EDUCATION ALTERNATIVE SCHOOL OF CHOICE WAIVER REQUEST AEW-1 (Rev. 3/10) Page 2 of 2

				PART II. PURPOSE AI	ND DESIRED OUTCOME	S			
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 w	aiver rene	wal, district also mus	st certify:					
	True ⊠	False	The facts which precip	pitated the original waive	er request have not chan	ged.			
	☐ The remedy for the problem has not changed.								
	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.								
gov evi	verning bo dence of o st two mo	pard must a controvers onths befo	approve the renewal re y associated with the w ore the waiver expires	equest. Because the dist vaiver's renewal, it is no	t necessary to repeat the for action by the State S	ssure the State S public hearing. S	uperintendent that there is no ubmit the renewal request at		
		101	hereby/certify the		ounty Certification led on this application is o	correct and compl	lete. 5 - 9 - 12		
	Signature	e of Superi	intendent or Designee		tle uperintendent	Date			
			FOR C	ALIFORNIA DEPARTM	IENT OF EDUCATION U	SE ONLY			
Responsible Office:					Guidelines: Met Not Met Don't Exist				
CA	LIFORNI	A DEPAR	TMENT OF EDUCATION	ON RECOMMENDATIO	N: Approve	Deny			
Sta	aff (Type o	or print)	1	Staff (Signature)		Date:			
Unit Manager (Type or print) Unit Manager (Signal			ature)	Date:	4-76				
Div	ision Dire	ector (Type	or print)	Division Director (Signature)	gnature)	Date:			
Deputy (Type or print) Deputy (Signature)				Deputy (Signature)		Date			

Renewal Waiver Application [Community College Attendance] Summer Courses

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.

This is a renewal request to waive the following section of the California Education Code providing the criteria under which a high school student can enroll in a community college summer course.

- Education Code § 48800 (d)(1) Criteria for community college summer session
- (d) (1) The principal of a school may recommend a pupil for community college summer session only if that pupil meets all of the following criteria:
 - (A) Demonstrates adequate preparation in the discipline to be studied.
 - (B) Exhausts all opportunities to enroll in an equivalent course, if any, at his or her school of attendance.
- (2) For any particular grade level, a principal shall not recommend for community college summer session attendance more than 5 percent of the total number of pupils who completed that grade immediately prior to the time of recommendation.
- (3) A highs school pupil recommended by his or her principal for enrollment in an course shall not be included in the 5 percent limitation of pupils allowed to be recommended pursuant to paragraph (2) if the course in which the pupil is enrolled meets one of the criterion listed in subparagraphs (A) to (C), inclusive, and the high school principal who recommends the pupil for enrollment provides the Chancellor of the California Community Colleges, upon the request that office, with the data required for purposes of paragraph (4).
 - (A) The course is a lower division, college-level course for credit that is designated as part of the Intersegmental General Education Transfer Curriculum or applies toward the general education breadth requirements of the California State University.
 - (B) The course is a college-level, occupational course for credit assigned a priority code of "A", "B", or "C", pursuant to the Student Accountability Model, as defined by the Chancellor of the California Community Colleges and reported in the management information system, and the course is part of a sequence of vocational or career technical education courses

leading to a degree or certification in the subject area covered by the sequence.

- (C) The course is necessary to assist a pupil who has not passed the California High School Exit Examination (CAHSEE), does not offer college credit in English language arts or mathematics, and the pupil meets both of the following requirements:
- (i) The pupil is in his or her senior year of high school.
- (ii) The pupil has completed all other graduation requirements prior to the end of his or her senior year, or will complete all remaining graduation requirements during a community college summer session, which he or she is recommended to enroll in, following his or her senior year of high school.
- (4) On or before November 1, 2007, and on or before January 1 of each year thereafter, the Chancellor of the Community Colleges shall report to the Department of Finance the number of pupils recommended pursuant to paragraph (3) who enroll in community college summer session courses and who receive a passing grade.
- (5) The Board of Governors of the California Community Colleges shall not include enrollment growth attributable to paragraph (3) as part of its annual budget request for the California Community Colleges.
- (6) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2, compliance with this subdivision shall not be waived.
- (e) Paragraphs (3), (4), and (5) of subdivision (d) shall become inoperative on January 1, 2014.
- 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.

Gateway to College is a college-based program serving at-risk youth, 16 to 20 years old, who have dropped out of school. All class are college classes, and the program is fully integrated into the college setting. Gateway to College classes are offered both during the academic year and summer term, providing much needed flexibility for working students or students with children. The ability to enroll in summer courses is a necessary component of the program and would facilitate the timely completion of graduation requirements. Hence, renewal of the waiver of the aforementioned K-12 provision is necessary to fully implement the Gateway to College model in the college setting. The District is requesting a renewal of the waiver for one year.

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 or 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 Partnerships (e.g., advisory committee, referrals, information sharing systems, etc.)
- Integration of the program into the 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 Complaint

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.



STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

TOM TORLAKSON

2017 MAY -3 A 9: 16

August 22, 2011

RECAUG Z 4, REDIN

Anthony Smith, Superintendent Oakland Unified School District 1025 Second Avenue Oakland, CA 94606-2212

Dear Superintendent Smith:

This letter is in response to your request for renewal of the waivers pertaining to your district's alternative school of choice, the Gateway to College (GTC) at Laney College. The California *Education Code (EC)* sections you have requested to waive are listed in the attached table, Overview of Gateway to College Waiver Renewal Requests.

Your renewal request explains that the GTC Program is being offered in partnership with Laney College. The program is based on the national GTC model, which has achieved success serving at-risk youth aged sixteen to twenty who have dropped out of high school and are significantly behind in credits. Your request explains that the program achieves success by combining high academic expectations with one-on-one advising and support. A key component of the program is that the district is able to claim average daily attendance (ADA) for GTC students who are taking all their classes at Laney College from Laney College instructors. We understand that this unusual arrangement is necessary to provide sufficient resources for the labor-intensive support these students will need to succeed.

Based on the unusual nature of the requested funding and the limited achievement of objectives, I approve your waiver renewals for one year with the following conditions:

- Your district will develop an audit process that will demonstrate that ADA funding received for the GTC Program was used only for the GTC Program. My staff will work with you to finalize an acceptable audit process and documentation.
- The GTC staff will conduct an end-of-semester review in addition to a year-end review. It is anticipated that an earlier analysis of objectives—particularly those relating to course grades and attendance—could result in timely changes that could lead to greater student achievement.

Anthony Smith, Superintendent August 22, 2011 Page 2

The information gathered from the end-of-semester reviews should be referenced in the annual evaluation report required by *EC* Section 58510, including progress achieved in meeting the objectives and how the evaluation results and program adjustments will be used to develop an action plan for the subsequent year.

Please send a copy of the governing board-approved annual evaluation report on or before August 1 to:

Carol Abbott, Education Programs Consultant Educational Options Office California Department of Education 1430 N Street, Suite 6408 Sacramento, CA 95814-5901

These waivers will be effective for the 2011–12 school year only. We will review audit findings and achievement of program objectives before approving it for the second year. I applaud your efforts to reengage dropouts, and look forward to hearing how implementation of the recommendations in your 2009–10 annual report affected student achievement.

If you have any questions regarding this subject, please contact Carol Abbott, Education Programs Consultant, Educational Options Office, at 916-319-0943 or by e-mail at cabbott@cde.ca.gov.

Sincerely,

Richard Zeiger

Chief Deputy Superintendent of Public Instruction

RZ:vp

Attachment

Overview of Gateway to College Waiver Renewal Requests Oakland Unified School District

Waiver Request Number	California Education Code Section	Description	Gateway to College Alternative
	41601	Reports of ADA	Laney College (LC) attendance policies will be followed.
Request #1	46202	Reduction of district's apportionment	
Computing Average Daily	46300	Method of computing ADA	
Attendance (ADA)	46305	Reports of active enrollment	·
	48802	Allowances and apportionments for concurrently enrolled students	
Request #2 Community College Attendance Summer Courses	48800(d)(1)	Community College summer attendance	Students may attend community college summer courses without undue constraints.
	37201	School month	Students will attend pursuant to LC calendar.
	46141	Minimum school day for high school—240 minutes	School days will be based on LC calendar.
Request #3	46146	Day of attendance; 180-minute minimum school day; part-time college	Attendance will be taken in accordance with LC.
Attendance	46160	Minimum school week	No such LC requirement.
	46161	Compliance with attendance requirements	Success depends on student's motivation and desire to participate; students will be treated like other LC students.
	46200	Base revenue limits per unit of ADA; additions and reductions; (180 day school year)	ADA funding will be passed through to LC using the community college model, not based on actual days of attendance.

Waiver Request Number	California Education Code Section	Description	Gateway to College Alternative
	48206.3	Provision of individual home instruction	Oakland Unified School District (OUSD) Special Education department will work wit LC Disabled Student Program and Services to serve students.
Request #4 Individual Instruction for Students with Temporary Disabilities	48208	Provision of individual hospital instruction	LC does not have this type of support. Students who are in need of individualized hospital instruction will receive Home and Hospital services from OUSD. Students will be temporarily transferred to another OUSD Alternative School while in Home and Hospital. All students will be given the opportunity to return to Gateway to College at LC once they are able.
Request #5 Parental Notification of Student Performance	49067	Parental notification of student performance	Students who are under age 18 must sign release for LC student information to be shared with parents.
Request #6 Student Discipline	48900- 48927	Student discipline	Students will adhere to LC student discipline policies.
	48200	Children between ages 6 and 18 (Compulsory Education)	LC will have a counselor in contact with students through the foundation term.
Request # 7		Definition; legislative intent (truancy)	Counselor will contact students who have more than three absences.
Compulsory Education/ Truancy Laws	48260.5	Notice to parent regarding truancy	Students will be treated like other LC students.
	48260.6	School Attendance and Review Board process	Counselor will counsel students who are not going to class.

Waiver Request Number	California Education Code Section	Description	Gateway to College Alternative
	48262	Habitual truant	See above.
Request #7, continued	48263	Referral of habitual truants to probation office or district attorney	If Gateway to College is not a good match, counselors will find a better one.