

Board Office Use: Legislative File Info.	
File ID Number	13-0718
Introduction Date	April 24, 2013
Enactment Number	13-0672
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 1213-0142, 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 1213-0142 – 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 for the period from July 1, 2013 to June 30, 2015 to fully implement the Gateway to College Alternative 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: Community College Attendance – Summer Courses.



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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

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(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 high 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 1213-0142 – 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 for the period



from July 1, 2013 to June 30, 2015 to fully implement the Gateway to College Alternative High School at Laney College.

**Fiscal Impact**

Funding resource name: None to the District

**Attachments**

- Resolution No. 1213-0142
- Alternative School of Choice Renewal Waiver Request with Attachment

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

Resolution No. 1213-0142

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 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**, 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 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 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 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 24<sup>th</sup> 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 24<sup>th</sup> 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

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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
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Address: 2111 International Blvd	City Oakland	State CA	ZIP 94606	Phone: (510) 434-7790
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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:** Community College Summer Course

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

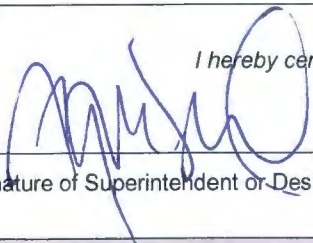
**3. For a waiver renewal, district also must certify:**

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| 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.*

		5/1/13
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  
[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 high 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 two years.

### *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.