

File ID Number: 14-0013  
Introduction Date: 1-6-14  
Enactment Number: 14-0010  
Enactment Date: 1-6-14  
By:



OAKLAND UNIFIED  
SCHOOL DISTRICT

*Community Schools, Thriving Students*

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

**Resolution No. 1314-0110**

**California State Board of Education - General Waiver Request - Education Code  
Section 33050 - QEIA Funding (CSR) – Manzanita Community Elementary School -  
School Year 2012-2013**

**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 2012-13 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 2014-15 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 2014-15 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 33050 on behalf of **Manzanita Community Elementary 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: Jody London, Jumoke Hinton Hodge, Anne Campbell Washington, Roseann Torres, Christopher Dobbins, Vice President James Harris and 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 Special Meeting of the Governing Board of the Oakland Unified School District held on January 6, 2014.

  
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Gary Yee, Ed.D.  
Secretary, Board of Education

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**California Department of Education  
WAIVER SUBMISSION – General**

Manzanita Community Elementary School

**CD Code:** 01615296002042 **Waiver Number:** **Active Year:** 2013

**Date In:** January 8, 2014

**Local Education Agency:**  
Oakland Unified School District

**Address:**  
1000 Broadway, Suite 680  
Oakland, CA 94607

**Start:** 2012-13 school year **End:** 2013-14 school year

**Waiver Renewal:** N **Previous SBE Approval Date:**  
**Previous Waiver Number:**

**Waiver Topic:** Quality Education Investment Act  
**Ed Code Title:** Class Size Reduction Targets Temporarily Increased  
**Ed Code Section:** 33050  
**Ed Code Authority:** State Board of Education

**Ed Code or CCR to Waive:** 33050

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 20.44 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:**

Manzanita Community Elementary School made a good-faith effort to stay within QEIA CSR targets in 2012–13, but more students enrolled in the site than expected for different reasons. The school made an effort to accommodate 1st grade students for which alternative school placement options would have been a hardship due to transportation and lack of available alternative seats, increasing the grade level average. Ongoing monitoring of enrollment and not enrolling new students when others withdrew did not ultimately reduce the class size averages to the prescribed target. For grade two, the percentage of students that was estimated to attrition, based on prior year trends was less than expected.

This Waiver is requesting that the Class Size Reduction Targets established for Manzanita Community Elementary School in these grade levels for the 2012-2013 school year:

- > 20.44 for 1st grade increased to 26 students;
- > 20.44 for 2nd grade increased to 22 students

Manzanita Community Elementary School provides a strong academic program that reflects of the spirit of the QEIA program, and is continuing to make academic gains for its students.

**Student Population:**

Oakland USD has a student population of 36,262 and is located in an Urban Setting *in Alameda County*. Manzanita Community Elementary School has a student population of 342 in 2012-13.

**City Type:** Urban

**Public Hearing Date:** January 6, 2014

**Public Hearing Advertised:** December 27, 2013

**Local Board Approval Date:** January 6, 2014

**Please identify the appropriate council(s) or advisory committee(s) that reviewed this waiver:** School Site Council

**Date the committee/council reviewed the waiver request:** January 7, 2014

**Were there any objection(s):** None

**Audit Penalty;** N

**Categorical Program Monitoring:** N

**Submitted by:** David Montes de Oca  
**Position:** Associate Superintendent  
**E-mail:** david.montes@ousd.k12.ca.us  
**Telephone:** (510)336-7570  
**Fax:** (510)482-6774

**Bargaining Unit:** Oakland Education Association  
**Date:** December 20, 2013  
**Name:** Trish Gorham  
**Representative:** David Montes de Oca  
**Title:** President, Oakland Education Association  
**Support Comments:**