

OAKLAND UNIFIED SCHOOL DISTRICT  
Office of the Superintendent

January 25, 2012

Legislative File 12-0227  
File ID No.: \_\_\_\_\_  
Introduction Date: 1-25-12  
Enactment No.: 12-0225  
Enactment Date: 1-25-12  
By: \_\_\_\_\_

**TO:** Board of Education

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

**SUBJECT:** Public Hearing and Adoption of Resolution No. 1112-0123 – Request to the California State Board of Education for a General Waiver of Education Code Section 52055.740 on behalf of *Markham 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.

**ACTION REQUESTED:**

Conduct Public Hearing and Adoption of Resolution No. 1112-0123 – Request to the California State Board of Education for a General of Education Code Section 52055.740 on behalf of *Markham 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.

**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. 1112-0123 – Request to the California State Board of Education for a General of Education Code Section 52055.740 on behalf of *Markham 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.

Attachments: Resolution No. 1112-0123  
California Department of Education General Waiver Request Form

Board Office Use: <b>Legislative File Info.</b>	
File ID Number	12-0227
Introduction Date	1-25-12
Enactment Number	12-0229
Enactment Date	1-25-12 B



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

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

**Resolution No 1112-0123**

**California State Board of Education - General Waiver Request - Education Code  
Section 52055.740(a) - QEIA Funding (Class Size Reduction Targets) - Markham  
Elementary 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



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**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 Reduction Targets** - on behalf of **Markham 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: 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.

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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](mailto:waiver@cde.ca.gov)

CD CODE						
6	0	0	2	0	5	9

Local educational agency: Oakland Unified School District on behalf of Markham Elementary School			Contact name and Title: David Montes de Oca – 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		
Period of request: (month/day/year)			Local board approval date: (Required)			Date of public hearing: (Required)		
From: 07/01/10 To: 06/30/11								
Fax Number: 510-482-6674								

**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 Reduction Targets temporarily increased.

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:

(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

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 Class Size Reduction Target established for Markham Elementary School of 20.44 in grade Kindergarten, and be increased to 21 students for the 2010-2011 school year in light of the following circumstances:

Markham began the year with one class over 20.44 students. Its monthly ending enrollment average at the end of the year was 20.45. Given this school's dramatic growth (see attached) during its QEIA funding, we ask that it not be held non-compliant for missing its target by one one-hundredth.

8. **Demographic Information:**

Oakland USD has a student population of 46,600 and is located in an Urban Setting in Alameda County. Markham Elementary School has a student population of 365.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No  Yes

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No  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:
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
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Unit Manager (type or print):	Unit Manager Signature:	Date:
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Division Director (type or print):	Division Director Signature:	Date:
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Deputy (type or print):	Deputy Signature:	Date:
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