

Board Office Use: Legislative File Info.	
File ID Number	14-0643
Introduction Date	April 23, 2014
Enactment Number	14-0631
Enactment Date	4-23-14



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Dr. Gary Yee, Superintendent
Maria Santos, Deputy Superintendent

Board Meeting Date April 23, 2014

Subject **Adoption of Resolution 1314-1045, Requesting State Superintendent Of Public Instruction For Renewal of Alternative School of Choice Waiver of Education Codes Pertaining to Attendance**

Action Requested Adoption of Resolution 1314-1045 – Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Attendance, for the period from July 1, 2014 to June 30, 2016 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: Attendance.

This is a request to again seek waiver of the following sections of the California Education Code related to school attendance and minimum school day, minimum school week and minimums school-year.



- Education Code §37201 – School month
- Education Code §46141 – Minimum school day
- Education Code §46146 – Day of attendance; 180-minute school day; part-time college
- Education Code §46160 – Minimum school week
- Education Code §46161 – Compliance with attendance requirements
- Education Code §46200 – Base revenue limits per unit of average daily attendance; additions and reductions; (180 day school-year);

The aforementioned sections prescribe the minimum school day, week, month, and year in which a student is required to attend school. The apparent purpose of these provisions are to specify the time in which students are under the guidance and direction of school teachers and staff and to provide a unit measurement for student accounting procedures used in apportioning and distributing state ADA funds for education.

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 1314-1045 – Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Attendance, for the period from July 1, 2014 to June 30, 2016 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. 1314-1045
- Alternative School of Choice Renewal Waiver Request with Attachment

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

Resolution No. 1314-1045

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 school **Attendance** and minimum school day, minimum school week and minimum school-year; *Education Code § 37201 – School month, Education Code § 46141 – Minimum school day, Education Code § 46146 – Day of attendance; 180-minute school day; part-time college, Education Code § 46160 – Minimum school week, Education Code § 46161 – Compliance with attendance requirements, Education Code § 46200 – Base revenue limits per unit of average daily attendance; additions and reductions; (180 day school-year)* for Fiscal Years 2014-2015 and 2015-2016.

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, The aforementioned sections prescribe the minimum school day, week, month, and year in which a student is required to attend school. The apparent purposes of these provisions are to specify the time in which students are under the guidance and direction of school teachers and staff and to provide a unit of measurement for student accounting procedures used in apportioning and distributing state ADA funds for education; and

WHEREAS, 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; and

WHEREAS, renewal of the waiver of the K-12 provisions will not waive similar regulations governing instructional time applicable to community colleges. Adequate instruction time will be provided to students enrolled in Gateway program. Sections 55700 and 55701 of Title 5, California Code of Regulations provide that the community college academic calendar year consists of at least 35 weeks of instruction and evaluation and not less than 175 days of instruction; and

WHEREAS, Section 58003.1, Title 5, California Code of Regulations provides an approved attendance reporting procedure in the community college context. Since Gateway to College is a college-based program, the procedures identified in section 58003.1 should be the basis for apportioning and distributing ADA funds for students in the program; 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 is 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 23, 2014 meeting, the Board of Education authorized the District to seek waiver of Education Codes pertaining to Attendance; 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 school attendance and minimum school day, minimum school week and minimum school-year; *Education Code § 37201 – School month, Education Code § 46141 – Minimum school day, Education Code § 46146 – Day of attendance; 180-minute school day; part-time college, Education Code § 46160 – Minimum school week, Education Code § 46161 – Compliance with attendance requirements, Education Code § 46200 – Base revenue limits per unit of average daily attendance; additions and reductions; (180 day school-year).*

PASSED AND ADOPTED by the Governing Board of the Oakland Unified School District this 23rd day of April, 2014, by the following vote, to wit:

AYES: Jody London, Jumoke Hinton Hodge, Anne Washington, Roseann Torres, Christopher Dobbins, Vice President James Harris and President David Kakishiba


NOES: None

ABSTAINED: None


ABSENT: None

CERTIFICATION

I, Dr. Gary Yee, Superintendent and 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 23rd day of April, 2014 with a copy of such Resolution being on file in the Office of the Governing Board of said District.



Dr. Gary Yee
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. Gary Yee, Superintendent	
Address: 1000 Broadway	City Oakland	State CA	ZIP 94607
Phone: (510) 434-7790			
Period of request: (month/day/year) From: July 1, 2014 To: June 30, 2016		Local board approval date: (Required) April 23, 2014	Date of public hearing: <i>Note necessary for renewal waivers, unless controversial.</i> N/A

Part 1: LEGAL CRITERIA

(PLEASE PROVIDE THE INFORMATION REQUESTED IN THE SPACES DESIGNATED)

- 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:** Attendance
- If this is a renewal of a previously approved waiver, list approval date, and attach a copy of the original document: November 19, 2013
See Attached
- 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
- 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
- Advisory committies/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.



 Signature of Superintendent or Designee

Superintendent

Title

Superintendent

April 24, 2014

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
[Attendance]

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 Sections(s) or portions(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 sections of the California Education Code related to school attendance and minimum school day, minimum school week and minimum school-year.

- Education Code § 37201 - School month
- Education Code § 46141 - Minimum school day
- Education Code § 46146 - Day of attendance; 180-minute school day; part time college
- Education Code § 46160 - Minimum school week
- Education Code § 46161 - Compliance with attendance requirements
- Education Code § 46200 - Base revenue limits per unit of average daily attendance; additions and reductions; (180 day school-year):

The aforementioned sections prescribe the minimum school day, week, month, and year in which a student is required to attend school. The apparent purposes of these provisions are to specify the time in which students are under the guidance and direction of school teachers and staff and to provide a unit of measurement for student accounting procedures used in apportioning and distributing state ADA funds for education.

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.

The program combines high academic expectations with one-on-one advising and support. All classes are college classes, which provide dual credit, and the program is fully integrated into college setting. Students focus their studies in a "pathway" or major that is aligned with high school completion requirements and college degree or certificate requirements. This allows students to maximize college credit acquisition towards their post secondary goal.

Because the program is offered on a college campus, students feel that they are treated as adults, and respond well to the academic and behavior expectations of the college environment, particularly as it relates to attendance and class participation. Data from other Gateway to College replication sites show that the college environment and flexible scheduling enhances attendance and improves academic performance. Hence, the renewal of the waiver of the aforementioned K-12 provisions 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.

However, waiver for K-12 provisions will not waive similar regulations governing instructional time applicable to community colleges. Adequate instruction time will be provided to students enrolled in Gateway program. Sections 55700 and 55701 of Title 5, California Code of Regulations provide that the community college academic calendar year consists of at least 35 weeks of instruction and evaluation and not less than 175 days of instruction.

Similarly, section 58003.1, Title 5, California Code of Regulations provides an approved attendance reporting procedure in the community college context. Since Gateway to College is a college-base program, the procedures identified in section 58003.1 should be the basis for apportioning and distributing ADA funds for students in the program.

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 and 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 Partnership (e.g., advisory committee, referrals, information sharing systems, etc.)

- Integration of the program into 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 Compliant

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.



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

November 19, 2013

Gary Yee, Ed.D., Acting Superintendent
Oakland Unified School District
1025 Second Avenue
Oakland, CA 94606-2212

Dear Acting Superintendent Yee:

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) Program at Laney College. The California *Education Code* sections you have requested to waive are listed in the attached table.

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-one 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 Program 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 personalized support these students will need to succeed.

Based on the unusual nature of the requested funding and continued challenges inherent in such an approach, I approve your waiver renewals for one year with the following conditions:

1. The GTC Program will set a target of at least a 25 percent increase in the number of graduates in the 2013–14 school year compared to the 2012–13 school year. The GTC Program will provide an outcome report to the California Department of Education (CDE) within six weeks after the end of the 2014 spring semester.
2. Your district will continue to use an audit process that demonstrates that the ADA funding received for the GTC Program was used only for the GTC Program.

Gary Yee, Acting Superintendent
November 19, 2013
Page 2

3. The GTC Program staff will continue to conduct end-of-semester reviews in addition to a year-end review of the progress made toward the graduation target, program expenditure, and other academic outcomes. We appreciate your efforts to analyze achievement of objectives—particularly those relating to course completions, attendance improvement, and steady progress in earning credits needed to achieve a diploma.

It is important that the GTC Program continues to provide excellent service to students and make a difference for a significant number of students enrolled in the program.

Please send the outcome report regarding the graduation target and a preliminary annual evaluation to the CDE within six weeks after the end of the 2014 spring semester. Also, please send the full annual evaluation report on or before August 1, 2014, to:

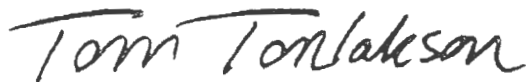
Educational Options, Student Support, and American Indian Education Office
California Department of Education
1430 N Street, Suite 6408
Sacramento, CA 95814-5901

These waivers will be effective for the 2013–14 school year only. We will review audit findings and achievement of program objectives before approving any future renewal requests.

I applaud your efforts to reengage dropouts and look forward to hearing how a more focused, outcome-based approach and the graduation target will affect student achievement.

If you have any questions regarding this subject, please contact Chiem-Seng Yaangh, Education Programs Consultant, Educational Options, Student Support, and American Indian Education Office, by phone at 916-319-0943 or by e-mail at cyaangh@cde.ca.gov.

Sincerely,



Tom Torlakson

TT:cy
Attachment
2013-09149

Gary Yee, Acting Superintendent
November 19, 2013

bcc: William J. Ellerbee, Jr., Deputy Superintendent, Student Support and Special
Services Branch
Jeannie Oropeza, Deputy Superintendent, Services for Administration, Finance,
Technology, and Infrastructure Branch
Peter Foggiano, Director, School Fiscal Services Division
Gordon Jackson, Director, Coordinated Student Support and Adult Education
Division
Barbara Pomerantz, Education Administrator I, Educational Options, Student
Support, and American Indian Education Office
Joe Radding, Education Administrator I, College Preparation and Postsecondary
Programs Office
Chiem-Seng Yaangh, Education Programs Consultant, Educational Options,
Student Support, and American Indian Education Office
Christine Gordon, Education Programs Consultant, State Board of Education
Liaison Office

**Overview of Gateway to College Waiver Requests
Oakland Unified School District (OUSD)**

Waiver #	Education Code Section	Description	Gateway to College Alternative
Request #1 Computing ADA	41601	Reports of Average Daily Attendance.	Laney CC attendance policies will be followed.
	46202	Reduction of district's apportionment.	
	46300	Method of computing average daily attendance.	
	46305	Reports of active enrollment.	
	48802	Allowances and apportionments for concurrently enrolled students.	
Request #2 Community College Attendance	48800(d)(1) and 48800(d)(2)	Community College Attendance.	See attendance below.
Request #3 Attendance	37201	School month.	Students will attend pursuant to Laney CC calendar.
	46141	Minimum school day for high school is 240 minutes.	School days will be based on Laney CC calendar.
	46146	Day of attendance; 180-minute minimum school day; part-time college.	Attendance will be taken in accordance with Laney CC.
	46160	Minimum school week.	No such Laney CC requirement.
	46161	Compliance with attendance requirements.	Success depends on student's motivation and desire to participate and students will be treated as any other Laney CC student.
	46200	Base revenue limits per unit of average daily attendance; additions and reductions; (180 day school-year).	ADA funding will be passed through to Laney CC not dependent actual days of attendance but rather the community college model.

Waiver #	Education Code Section	Description	Gateway to College Alternative
Request #4 Individual Instruction for Students with Temporary Disabilities	48206.3	Provide individual home instruction.	OUSD Special Ed department will work with Laney CC Disabled Student Program and Services to serve students.
	48208	Provide individual hospital instruction.	
Request #5 Parental Notification of Student Performance	49067	Parental Notification of Student Performance.	Students who are under 18 must sign release for Laney CC student information to be shared with parents.
Request #6 Student Discipline	48900 et seq.	Student Discipline.	Students will adhere to Laney CC student discipline policies.
Request #7 Compulsory Education/Truancy Laws	48200	Children between ages 6 and 18 (Compulsory Education).	Laney CC will have a counselor in daily contact with students through the foundation term.
	48260	Definition; legislative intent (Truancy).	Counselor will contact students who have more than three absences.
	48260.5	Notice to parent re: truancy.	Students will be treated as other Laney CC students are.
	48260.6	School Attendance and Review Board (SARB) process.	Counselor will counsel students who are not going to class.
	48262	Habitual Truant.	See above.
	48263	Referral of habitual truants to probation office or district attorney.	Counselors will work with students if this is not a good match to find a better one in the district.