

Board Office Use: Legislative File Info.	
File ID Number	16-1058
Introduction Date	May 25, 2016
Enactment Number	160757
Enactment Date	5/25/16



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools. Thriving Students

# Memo

**To** Board of Education

**From** Antwan Wilson  
Superintendent

**Board Meeting Date** May 25, 2016

**Subject** **Adoption of Resolution 1516-0217, Requesting State Superintendent Of Public Instruction For Renewal of Alternative School of Choice Waiver of Education Codes Pertaining to Individual Instruction for Students with Temporary Disabilities**

**Action Requested** Adoption of Resolution 1516-0217 Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Individual Instruction for Students with Temporary Disabilities for the period from July 1, 2016 to June 30, 2018 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: Individual Instruction for Students with Temporary Disabilities.



This is a request to again seek waiver of the following sections of the California Education Code related to providing Individual Instruction for Students with Temporary Disabilities.

- Education Code §48206.3
- Education Code §48208

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. We are requesting a renewal of the waiver for two years.

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 1516-0217 Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Individual Instruction for Students with Temporary Disabilities for the period from July 1, 2016 to June 30, 2018 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. 1516-0217
- Alternative School of Choice Renewal Waiver Request with Attachment

Board Office Use: <b>Legislative File Info.</b>	
File ID Number	16-1058
Introduction Date	May 25, 2016
Enactment Number	16-0757
Enactment Date	5/25/16 OR

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

Resolution No. 1516-0217

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 **Individual Instruction For Students With Temporary Disabilities**; *Education Code § 48206.*, *Education Code § 48208* for Fiscal Years 2016-2017 and 2017-2018.

**WHEREAS**, The Oakland Unified School District (District) and the Peralta Community College District will operate the Gateway to College alternative high school on the Laney College Campus; and

**WHEREAS**, While maintaining academic and programmatic integrity, the college will provide students with appropriate academic accommodations and/or auxiliary aids that will afford students an equal opportunity to participate in the Gateway to College program. All student support will be consistent with local, state, and federal laws and regulations and college policies and procedures for serving students with disabilities, 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 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 May 25, 2016 meeting, the Board of Education authorized the District to seek waiver of Education Codes pertaining to Individual Instruction for students with Temporary Disabilities; and

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Education of the District hereby approves the District's Request for Renewal of the Alternative School of Choice Waiver of Education Codes pertaining to providing individual instruction for students with temporary disabilities; *Education Code § 48206., Education Code § 48208.*

**PASSED AND ADOPTED** by the Governing Board of the Oakland Unified School District this 25th day of May 2016, by the following vote, to wit:

Jumoke Hinton Hodge, Jody London, Aimee Eng, Roseann Torres, Shanthi Gonzales, Vice President

AYES: Nina Senn, President James Harris

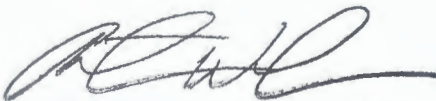
NOES: None

ABSTAINED: None

ABSENT: None

#### **CERTIFICATION**

I, hereby certify that the foregoing is a full and true and correct copy of a Resolution passed at a Special Meeting I of the Board of the Oakland Unified School District held on May 25, 2016.



Antwan Wilson  
Superintendent and Secretary, Board of Education

File ID Number: 16-1058  
Introduction Date: 5/25/16  
Enactment Number: 16-0757  
Enactment Date: 5/25/16  
By: 012



Renewal Waiver Application  
[Computing ADA]

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 § 41601 – Reports of average daily attendance*
- *Education Code § 46202 – Reduction of districts appointment*
- *Education Code § 46300 – Method of computing average daily attendance*
- *Education Code § 46305 – Reports of active enrollment*
- *Education Code § 48802 – Allowances and Apportionments for concurrently enrolled students*

The aforementioned sections provide the process and unit of measurement for student accounting procedures used in apportioning and distributing state ADA funds for education. In particular, section 46300 provides, in part, that in computing average daily attendance, pupils should be under the immediate supervision and control of an employee of the district who possesses a valid certification document.

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.

Because the program is offered on a college campus, the District is requesting a renewal of the waiver of the method of computing average daily attendance for K-12 schools and the requirement that students be under the supervision and control of a certificated K-12 employee. Since Gateway to College is a college-based program, we submit that section 58003.1 of Title 5 of the California Code of Regulations (CCR) provides an alternative and approved method for apportioning and distributing ADA funds in the program. Under agreement with OUSD, Laney (Peralta Community College District) does not claim FTES apportionment. Instead, OUSD claims ADA on behalf of the alternative school established at Laney College (Gateway) under the method identified in section 58003.1.

Regarding the requirement that students be under the supervision and control of a certificated district employee, we believe that supervision by a qualified community college faculty person satisfies the intent and purpose of the law. Section 66700 of the Education code provides, in part, that California Community Colleges are part of the public school system of the state. Section 53405 of the CCR provides that references to certificated employees in the CCR, as it pertains to community colleges, apply to community college faculty who meet the minimum qualifications required by the Code. In support of the conclusion that supervision by certificated community college employees satisfies that statute, we note that students can receive high school credit for courses taught by community college faculty under section 48800 (c) of the Education Code. Hence, a renewal 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.

#### *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)

**35. Severability.** Should any provision of this Agreement be determined to be invalid, illegal or unenforceable in any respect, such provision shall be severed and the remaining provisions shall continue as valid, legal and enforceable.

**36. Incorporation of Recitals and Exhibits.** The Recitals and each Exhibit attached hereto are hereby incorporated herein by reference.

ACCEPTED AND AGREED on the date indicated below:

**OAKLAND UNIFIED SCHOOL DISTRICT**

\_\_\_\_\_  
James Harris, President, Board of Education

\_\_\_\_\_  
Date

\_\_\_\_\_  
Antwan Wilson, Superintendent and Secretary, Board of Education

\_\_\_\_\_  
Date

**CHARTER SCHOOL**

By: \_\_\_\_\_

Its: COO

5/9/16  
\_\_\_\_\_  
Date

**APPROVED AS TO FORM**

\_\_\_\_\_  
Jacqueline Minor, OUSD General Counsel

\_\_\_\_\_  
Date

Renewal Waiver Application  
[Individual instruction for students with temporary disabilities]

Part II. Purpose and Desired Outcomes

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This is a renewal request to waive the following section of the California Education Code related to providing individual instruction for students with temporary disabilities.

- *Education Code § 48206.3 et seq.*
- *Education Code § 48208 et seq.*

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.

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Gateway to College is a college-based program. All classes are college classes, which provide dual credit. While maintaining academic and programmatic integrity, the college will provide students with appropriate academic accommodations and/or auxiliary aids that will afford students an equal opportunity to participate in the Gateway to College program. All student support will be consistent with local, state, and federal laws and regulations and college policies and procedures for serving students with disabilities. 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.



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- 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.