

Board Office Use: Legislative File Info.	
File ID Number	16-1042
Introduction Date	May 25, 2016
Enactment Number	16-0754
Enactment Date	5/25/16 82



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 1516-0218, Requesting State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes Pertaining to Parental Notification**

Action Requested Adoption of Resolution 1516-0218 – Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Parental Notification for the period 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: Parental Notification.

This is a request to again seek waiver of the following sections of the California Education Code related to regulations on student achievement and parental notification of student performance.

- Education Code §49067

The renewal of the waiver of the aforementioned regulation 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 1516-0218 – Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Parental Notification for the period 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. 1516-0218
- Alternative School of Choice Renewal Waiver Request with Attachment

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

Resolution 1516-0218

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 regulations on student achievement and **Parental Notification** of student performance; *Education Code § 49067* for Fiscal Years 2016-2017 and 2017-2018.

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 college-based and operates in an adult learning environment; and

WHEREAS, Parental notification of student performance is not required; and

WHEREAS, The referenced regulation, as written, requires parental notification regardless of the age of the pupil; and

WHEREAS, Although Gateway to College procedures will require parental notification of parents, if any, of Gateway students under the age of eighteen (18), we are requesting a renewal waiver of this section because it may preclude the participation of eligible students, many of whom may be emancipated minors, foster youth without the presence of a parent or guardian in their lives; 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; 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 Parental Notification; 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 regulations on student achievement and parental notification of student performance; *Education Code § 49067*

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:

AYES: Jumoke Hinton Hodge, Jody London, Aimee Eng, Roseann Torres, Shanthi Gonzales, Vice President Nina Senn, President James Harris

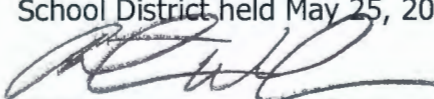
NOES: None

ABSTAINED: None

ABSENT: None

CERTIFICATION

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



Antwan Wilson
Superintendent and Secretary, Board of Education

Board Office Use: Legislative File Info.	
File ID Number	16-1042
Introduction Date	May 25, 2016
Enactment Number	16-0754
Enactment Date	05/25/2016

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

Telephone: 916-323-2183
Fax: 916-323-6061

County and District Code:

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Local Educational Agency: Oakland Unified School District				Contact recipient of approval/denial notice: Antwan Wilson, Superintendent	
Address: 1000 Broadway		City Oakland	State CA	ZIP 94607	Phone: (510) 434-7790
Period of request: <i>(month/day/year)</i> From: July 1, 2016 To: June 30, 2018		Local board approval date: <i>(Required)</i> May 25, 2016		Date of public hearing: <i>Not necessary for renewal waivers, unless controversial.</i> N/A	

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: Parental Notification

2. If this is a renewal of a previously approved waiver, list approval date, and attach a copy of the original document: April 23, 2014

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.

_____	_____ Superintendent	_____
Signature of Superintendent or Designee	Title	Date

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Responsible Office: _____	Guidelines: <input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Don't Exist
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CALIFORNIA DEPARTMENT OF EDUCATION RECOMMENDATION: ☐ Approve ☐ Deny

Staff (<i>Type or print</i>)	Staff (<i>Signature</i>)	Date:
Unit Manager (<i>Type or print</i>)	Unit Manager (<i>Signature</i>)	Date:
Division Director (<i>Type or print</i>)	Division Director (<i>Signature</i>)	Date:
Deputy (<i>Type or print</i>)	Deputy (<i>Signature</i>)	Date:

Renewal Waiver Application
[Parental Notification and Student Performance]

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 regulations on student achievement and parental notification of student performance.

- *Education Code § 49067*

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 college-based and operates in an adult learning environment. Consequently, parental notification of student performance is not required. The referenced regulation, as written, requires parental notification regardless of the age of the pupil. Although Gateway to College procedures will require parental notification of parents, if any, of Gateway students under the age of eighteen (18), the District is requesting a renewal of the waiver of this section because it may preclude the participation of eligible students, many of whom may be emancipated minors, foster youth without the presence of a parent or guardian in their lives. Hence, a renewal waiver of the aforementioned regulation is necessary to fully implement Gateway to

College 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)
- 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.