



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.1f

**Meeting Date:** February 16, 2012

**Subject:** California Department of Education Waiver Request: QEIA Components for Edward Kemble, Ethel Phillips, Hiram Johnson and Luther Burbank

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: \_\_\_\_\_)
- Conference/Action
- Action
- Public Hearing

**Division:** Accountability Office

**Recommendation:** Approve California Department of Education Waiver Request: QEIA Components for Edward Kemble, Ethel Phillips, Hiram Johnson and Luther Burbank

**Background/Rationale:**

As required by the QEIA Grant, a public hearing was conducted prior to the recommendation.

The QEIA Grant requires participating schools to meet targets in six component areas: Teacher Experience Index, Class Size Reduction, Highly Qualified Teacher, Professional Development, Williams' Settlement Case, and Academic Performance Index. The individual targets for each QEIA school were established utilizing 2005-06 school year data. The QEIA funds served to significantly reduce class size and meet the requirements in the early years of QEIA implementation, but are no longer sufficient to meet the targets. Each of the QEIA schools have encountered increasingly difficult challenges imposed by limited site budgets, changes in the state level CSR Program, recalculated class sizes in SCUSD, impact of teacher surplus within the district, change in site leadership and change in program.

The following QEIA schools are requesting waivers with the State Board of Education: Edward Kemble and Ethel Phillip Elementary Schools, Hiram Johnson and Luther Burbank High Schools. The rationale for each site's request is contained within the corresponding waiver.

**Financial Considerations:** Loss of QEIA funds if waiver is not granted. For 2011-12 QEIA funds per school were:

Edward Kemble	\$222,631
Ethel Phillips	\$262,511
Hiram Johnson	\$1,720,069
Luther Burbank	\$1,812,990

**Documents Attached:**

Waivers attached

**Estimated Time of Presentation:** N/A  
**Submitted by:** Mary Hardin Young, Area Assistant Superintendent  
**Approved by:** Mary Shelton, Chief Accountability Officer

**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					

Local educational agency: <b>Sacramento City Unified School District Edward Kemble Elementary</b>			Contact name and Title: <b>Mary Hardin Young, Area Asst Supt Shana Henry, Principal</b>			Contact e-mail: <b>mary-hardinyoung@scusd.edu</b>		
Address: (City)		(State)	(ZIP)	Phone (and extension, if necessary):				
<b>5735 47<sup>th</sup> Avenue</b>		<b>Sacramento</b>	<b>California</b>	<b>95824</b>	<b>916-643-9009</b>			
					FAX Number: <b>916-643-2535</b>			
Period of request: (month/day/year)			Local board approval date: (Required)			Date of public hearing: (Required)		
From: <b>July 1, 2011</b> To: <b>June 30, 2014</b>			<b>February 16, 2012</b>			<b>February 16, 2012</b>		

**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):  
 Circle One:  EC  or *CCR*

Topic of the waiver: **QEIA – Class Size Reduction**

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. **Not Applicable**

3. Collective bargaining unit information. Does the district have any employee bargaining units?  X  Yes      No If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **March 25, 2011 and January 31, 2012**

Name of bargaining unit and representative(s) consulted: **Scott Smith, President  
Sacramento City Teachers' Association**

The position(s) of the bargaining unit(s):      Neutral  X  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  X  Notice posted at each school  X  Other: (*Please specify*) SCUSD Website and Main Office

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: **February 7, 2012**

Were there any objection(s)? No  X  Yes      (*If there were objections please specify*)

**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**).

(1) Meet all of the following class size requirements:

- 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 (Chapter 6.10 (commencing with Section 52120)).

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.

**See attached-**

8. Demographic Information:

(District/school/program) Edward Kemble Elementary has a student population of 510 and is located in an urban (*urban, rural, or small city etc.*) in Sacramento County. Kemble Elementary is a very diverse school with 47% Hispanic, 25% African American, and 22% Asian as our three major populations. Languages spoken at the school include Spanish, Hmong, Mien, Vietnamese, Hindi, Punjabi, Russian, Urdu, Tongan, Filipino and Pashto (60% of our school are English Learners). The school resides in the Meadowview area of Sacramento which is an urban, culturally diverse and economically disadvantaged community. One hundred percent of students qualify for the free breakfast and lunch program.

**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:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

## **7. Desired Outcome / Rationale**

Edward Kemble Elementary School is requesting a new CSR target of 24.5:1 in our kindergarten through 3<sup>rd</sup> grade classes through June 2014.

Edward Kemble Elementary has met the spirit of the law and has significantly improved the quality of academic instruction and the level of student achievement. All teachers are Highly Qualified and the Teacher Experience Index has been met. Certificated staff and paraprofessionals have received quality professional development in research-based practices to improve instruction. Our Annual Yearly Progress has increased 23.1% in English language Arts and 32.3% in Math since our first year of QEIA. Additionally, our school has increased our API score 156 points. As a result of our achievement, we exited Program Improvement status last school year.

In 2010-11, our school district had to increase class size to 25:1 in grade K-3 due to funding. While K-1 remained at 25:1 in 2011-12, 2<sup>nd</sup>-3<sup>rd</sup> increased to 29:1. It is expected that class sizes will increase to the contract maximum of 32 in Kindergarten and 31 in grades 1-3 for 2012-13. Despite these financial challenges, we have maintained the 20:1 CSR ratio in all of our K-3 classrooms since the inception of QEIA. After our district no longer had the funding to keep classes at 20:1, we used every additional dollar available from our site budget, in addition to QEIA, to keep class sizes low. Because our classes cap at 20, we have had to bus many students to other schools that have room for them. As the economy continues to impact families and housing, the challenge to be proactive is increasing. In the end, our goal is to serve our community and keep our neighborhood students instead of having them attend another school because we don't have the space to serve them.

Edward Kemble Elementary School is committed to continued implementation of the QEIA program, in which significant gains in the API have already been realized. The school is requesting that the State Board of Education support the school's efforts, and allow for an adjusted Kindergarten through 3<sup>rd</sup> grade QEIA target of 24.5.

**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					

Local educational agency: Sacramento City Unified School District  Ethel Phillips Elementary School		Contact name and Title: Mary Hardin Young, Area Asst Supt Daniel Hernandez, Principal		Contact person's e-mail address: <a href="mailto:mary-hardinyoung@scusd.edu">mary-hardinyoung@scusd.edu</a>
Address: (City) (State) (ZIP) 5735 47 <sup>th</sup> Avenue Sacramento, CA, 95824			Phone (and extension, if necessary): (916)643-9009	
Period of request: (month/day/year) From: <b>July 1, 2012</b> To: <b>June 30, 2014</b> or <b>for life of program.</b>		Local board approval date: (Required) <b>February 16, 2012</b>		Date of public hearing: (Required) <b>February 16, 2012</b>

**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: (QEIA) Quality Education Investment Act.- Class size reduction

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 X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **March 25, 2011 and January 31, 2012**

Name of bargaining unit and representative(s) consulted: **Scott Smith, President  
 Sacramento California Teachers Association**

The position(s) of the bargaining unit(s): \_\_\_ Neutral X Support \_\_\_ Oppose (*Please specify why*)

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 X Notice posted at each school X Other: (*Please specify*) SCUSD Website and Main Office

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: **February 7, 2012**

Were there any objection(s)? No X Yes \_\_\_ (*If there were objections please specify*)

**GENERAL WAIVER REQUEST**

GW-1 (10-2-09)

<p>6. <i>Education Code or California Code of Regulations</i> 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 <b>strike out key</b>).</p> <p style="margin-left: 40px;">a. For kindergarten and grades 1 to 3, inclusive, no more than <del>20</del> pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).</p> <p style="margin-left: 40px;">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:</p> <p style="margin-left: 80px;">i. <del>At least five pupils per classroom than the average in 2006-2007</del></p>		
<p>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.</p> <p><b>Please see attached document.</b></p>		
<p>8. Demographic Information:  <i>(District/school/program)</i> <u>Ethel Phillips Elementary school in Sacramento City Unified School District</u> has a student population of <u>430</u> students and is located in an <u>Urban</u> (<i>urban, rural, or small city etc.</i>) in <u>Sacramento County</u>.                      The unique situation of Ethel Phillips is that of a school with a high population of TITLE I families. In fact, during the duration of the grant and beyond, the school has been eligible for school wide free lunch. There are 58% of the student population that are English learners, 67.9% of the student population is Hispanic/Latino. The socioeconomically disadvantaged population is 96.9%. (2011, School Accountability Report Card. CDE)</p>		
<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>                      (If yes, please attach explanation or copy of audit finding)</p> <p><b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>                      (If yes, please attach explanation or copy of CPM finding)</p>		
<p><b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i></p>		
Signature of Superintendent or Designee:	Title:	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

## 7. Desired Outcome/Rationale

### **QEIA Waiver 2012 for Class size –Ethel Phillips Elementary**

Sacramento City Unified school District requests on behalf of Ethel Phillips a permanent single QEIA baseline target of 23:1 for grades Kindergarten to third, and a permanent QEIA baseline target of 25:1 for 5<sup>th</sup> grade, to fiscally support and meet all of the QEIA component mandates for the time periods of July 1, 2012 to June 30, 2014.

Ethel Phillips Elementary has had several years funding via QEIA and as a result has had success in various areas. Although QEIA is a many pronged approach, we believe that one of our most valuable components to the success is directly associated with the professional development of our teachers and lower class sizes provided for all classes. The students, staff and parents of our community value the size of our classrooms. In fact many students and families that have come from other schools find that there is a unique and definite opportunity to succeed. We find small group interventions allow for first instruction with small class size to benefit all students at the various levels of academic proficiency.

Each year, Ethel Phillips has a small number of students per grade level that are turned away. With the new proposed class size in Kindergarten through third grade, Ethel Phillips will have fewer students, if any, excluded from our program. Ethel Phillips will be better able to continue to provide for continuous support for our families and provide the opportunity for a high quality education. We will also be able to keep siblings together at the same school, while still providing small class sizes and quality first instruction.

The request to change the 5<sup>th</sup> grade class size is an effort to keep our families over the period of the four years in intermediate. Our current targets in 4<sup>th</sup>, and 6<sup>th</sup> grade are 25:1, however our 5<sup>th</sup> grade target is 23:1. This creates a scenario in which we have potentially two families that attended our school in 4<sup>th</sup> grade and are possibly losing a seat in 5<sup>th</sup> grade only to be asked to return in 6<sup>th</sup> grade. Our goal is to provide the instruction to the same families over the three years. While schools always experience some transition of students, this is an avoidable movement by allowing this number to be waived.

Over the duration of the QEIA grant, Ethel Phillips has had consistent growth in API. From 2005 to 2011, the API for Ethel Phillips has increased 143 points including a high API score of 781. Ethel Phillips has made its API targets as set forth by QEIA. Ethel Phillips has also made AYP goals two years during the period of the QEIA grant. Currently Ethel Phillips is in Program Improvement Year 5 and has been in Program Improvement since 2004-2005.

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

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Renewal Waiver:

Send Original plus one copy to:  
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 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						
3	4	6	7	4	3	9

Local educational agency: <b>Sacramento City Unified School District Hiram Johnson High School</b>			Contact name and Title: <b>Mary Hardin Young, Area Asst. Supt Felisberto Cedros, Principal</b>			Contact e-mail: <b>mary- hardinyoung@scusd.e du</b>
Address: (City)		(State)	(ZIP)	Phone (and extension, if necessary): <b>916-643-9009</b>		
<b>5735 47<sup>th</sup> Avenue</b>		<b>Sacramento</b>	<b>California</b>	<b>95824</b>	FAX Number: <b>916-643-2535</b>	
Period of request: (month/day/year)		Local board approval date: (Required)		Date of public hearing: (Required)		
From: <b>July 1, 2010 To: June 30, 2014</b>		<b>February 16, 2012</b>		<b>February 16, 2012</b>		

**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 (1.i) and 52055.740 (1.iii)** Circle One: EC or CCR

Topic of the waiver: **QEIA – Class Size Reduction and Williams Settlement**

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. **Not Applicable**

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): **January 31, 2012**

Name of bargaining unit and representative(s) consulted: **Sacramento City Teachers' Association  
Scott Smith, President**

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*) SCUSD Website and Main Office

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: **February 1, 2012**

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:

(1) Meet all of the following class size requirements:

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, 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 subject-specific classrooms in that grade at the school site. If the subject-specific 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 class in~~ English language arts, reading, ~~mathematics,~~ science, or history and social science in grades 4 to 12, inclusive, ~~with more than 27 pupils regardless of its average classroom size.~~

(4) ~~Meet all the requirement of the settlement agreement in Williams v. State of California~~ (Case Number cGC-00-312236 of the Superior Court for the County of San Francisco), including, among other things, ~~the requirements regarding teachers,~~ instruction materials, and school facilities, by the end of the first full year of funding, and in each year of funding thereafter.

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.

**See attached -**

8. Demographic Information:

Hiram Johnson High School has a student population of approximately 1,600 and is located in an urban area in Sacramento County. The demographic makeup of the student population is approximately 33% Asian, 39% Hispanic, 13% African American, 10% White and 5% others. The community socioeconomic makeup is reflected in our student population with 32% English learners receiving EL services, 85% receiving free or reduced lunch, and 14% receiving special education services.

**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)

<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.		
Signature of Superintendent or Designee:	Title:	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

## **7. Desired Outcome/Rationale**

Sacramento Unified School District requests on behalf of Hiram Johnson High School a permanent QEIA target of 22:1 for grades 9 to 12, and a one-time waiver, for the 2010-11 school year, of class maximum of 27 students for two Algebra 2 classes and two teacher misassignments in the Williams Settlement Agreement. The approval of this waiver would allow Hiram Johnson to fiscally support and meet all of the QEIA component mandates for the time periods of July 1, 2010 to June 30, 2014. Hiram Johnson High School is a Title I school with approximately 85% of its students receiving free or reduced lunch, 32% receiving English Learners services, and 14% receiving special education services.

The fall of 2010-11 saw dramatic changes at Hiram Johnson High School. Because of the school's persistent low academic performance and physical decline, the school was designated a "Superintendent's Priority School". The school was assigned a new administrative team who found the school to be without an appropriate infrastructure and system of operation to support student learning, as well as an absence of teachers holding appropriate credentials. A master schedule was not established, the curriculum and program were outdated and not aligned to the state or district standards. The current structure had segregated EL and Special Education students and was lacking discipline practices to support students to be successful.

CSR: Lower class sizes have always been important to SCUSD, and the strategy has contributed to the increased achievement and academic performance of all students. With four administrative changes in the past five years and 25% of the students moving in and/or out of the school during the school year, Hiram Johnson's ability to meet the Class Size Reduction (CSR) targets has been extremely challenging. Changes in the state's CSR funding to districts have also impacted the site's ability to maintain smaller class sizes. By creatively exhausting all flexible funding sources, Hiram Johnson has managed to successfully staff CSR targets for the past three years. We have now reached a point at which an increase of our baseline targets is necessary to maintain the momentum that will help move Hiram Johnson High School out of Program Improvement status. Approval of this waiver to establish new class sizes of 22:1 in the 9<sup>th</sup> through 12<sup>th</sup> grades would allow students to continue to benefit from small class sizes and to receive high levels of instruction and maintain the achievement growth that the school experienced during the last year.

In addition, Hiram Johnson High School experienced another difficult staffing issue during the 2010-2011 school year with five teachers leaving their positions mid-year for various reasons. While the administrative team was able to cover the other teacher vacancies, they searched unsuccessfully to fill the two math positions that were left vacant. It became necessary to dissolve their sections in order for the students to receive instruction from the remaining skilled math teachers. Approval of a permanent CSR target of 22:1 for grades 9 to 12, and to waive the class size maximum of 27 in two Algebra II classes, for 2010-11 only, will permit Hiram Johnson High School to maintain and to continue to receive QEIA funding for the 2012-2014.

Williams Settlement Agreement: Due to lack of qualified certificated staff, Hiram Johnson High School could not find teachers with the appropriate credentials to teach one elective course of Yearbook and one of Robotics. Having the most experienced teachers with the appropriate credential has always been an important hiring factor in SCUSD, and the district understands how that practice has positively contributed to the increased academic success of all students. When Hiram Johnson was designated as one of SCUSD's "Superintendent's Priority Schools", the most critical personnel task was to secure HQT teachers to teach all core subjects, which the team accomplished. However, they could not find qualified staff with the appropriate credential to teach the one section of Yearbook and one section of Robotics. This situation was corrected for the 2011-12 school year. Waiving the two sections of the Williams Settlement assignments, from the 2010-11 school year only, will allow Hiram Johnson High School to maintain and continue to receive QEIA funding.

Hiram Johnson has met the spirit of the law and has improved the quality of academic instruction and the level of student achievement significantly in the past year. Once named a "Superintendent's Priority School" the new administration initiated new instructional initiatives and restructured the school policies, operations and procedures. The Highly Qualified Teachers received at least 40 hours of targeted professional development and collaborative planning time to improve their curriculum knowledge and instructional skills, and their understanding of using data to guide instruction. The effort led to an outstanding academic, behavior and attendance improvement. The school API almost doubled its past ten year's API gains in one year with 60 API point gain to 671 in 2011. The gain was one of the highest in the Sacramento County. The increased attendance rate and decreased suspension rate were among the most improved in the District. The table below paints a much clearer picture of the amount of progress Hiram Johnson had made with its QEIA funding in 2010.

### 2011 Hiram Johnson Growth API Report

	Number of Students Included	2011 Growth	2010 Base	2010-11 Growth Target	2010-11 Growth	Met Growth Target
School Wide	1130	671	612	9	59	Yes
Black or African American	118	559	484	16	75	Yes
Asian	361	722	695	5	27	Yes
Hispanic or Latino	455	651	577	11	74	Yes
White	102	717	642	8	75	Yes
Socioeconomically Disadv	986	668	615	9	53	Yes
English Learners	599	656	596	10	60	Yes
Students with Disabilities	145	441	396	20	45	Yes

Approval of this waiver for Hiram Johnson High School will result in the school meeting the intent of the QEIA program while continuing to make strong academic gains. During this time of economic uncertainty, this program is essential in order to continue to maintain small class size, hire the most qualified staff and provide the necessary professional development to ensure that students are taught by the most qualified and skilled staff. Based on the 2010-2011 academic, behavior and attendance data, there is no doubt that QEIA funding made the difference in the gains and improvement at Hiram Johnson. The school needs QEIA funding to sustain the momentum and progress that they have made this past year, and continue to provide the best services to the students.

**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					

Local educational agency: <b>Sacramento City Unified School District Luther Burbank High School</b>			Contact name and Title: <b>Mary Hardin Young, Area Asst Supt Ted Appel, Principal</b>			Contact e-mail: <b>mary-hardinyoung@scusd.edu</b>		
Address: (City)		(State)	(ZIP)	Phone (and extension, if necessary):				
<b>5735 47<sup>th</sup> Avenue</b>		<b>Sacramento</b>	<b>California</b>	<b>95824</b>	<b>916-643-9009</b>			
					FAX Number: <b>916-643-2535</b>			
Period of request: (month/day/year)			Local board approval date: (Required)			Date of public hearing: (Required)		
From: <b>July 1, 2012</b> To: <b>June 30, 2014</b>			<b>February 16, 2012</b>			<b>February 16, 2012</b>		

**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):  
 Circle One: EC or CCR

Topic of the waiver: **QEIA – Class Size Reduction**

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. **Not Applicable**

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): **March 25, 2011 and January 31, 2012**  
 Name of bargaining unit and representative(s) consulted: **Sacramento City Teachers' Association  
Scott Smith, President**  
 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*) SCUSD Website and Main Office

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: **February 6, 2012**  
 Were there any objection(s)? No  Yes \_\_\_ (*If there were objections please specify*)

**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:**

**(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, and 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.~~**

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.

**Luther Burbank High School requests a waiver to increase the QEIA targets of 18.6 in 9<sup>th</sup> grade, 21.6 in the 10<sup>th</sup> grade and 22.6 in the 11<sup>th</sup> grade to be increased to 22.9. The increase is requested in order to make the average class sizes in 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> grades consistent with the current 12<sup>th</sup> grade average per student ratio. The lower ratios in 9<sup>th</sup> through 11<sup>th</sup> grades were established at the time that Luther Burbank had used federal and state CSR allocations to lower 9<sup>th</sup> grade. Additional categorical funds were used to provide interventions for students behind grade level, thus lowering the class sizes at the 10<sup>th</sup> and 11<sup>th</sup> grades. Elimination of CSR funds and decreased Title I allocations make the continuation of the proscribed 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> grade class size averages impossible.**

**Luther Burbank High School is committed to continued implementation of the QEIA program, in which significant gains in the API have already been realized. The school is requesting that the State Board of Education support the school's efforts, and allow for an adjusted 9<sup>th</sup> – 11<sup>th</sup> grade QEIA target of 22.9.**

8. Demographic Information:

**Luther Burbank High School has a student population of 1800 and is located in a urban area in Sacramento County. The student population is 32% Hispanic, 42% Asian, 17% African American, 9% Other, 45% English Learners, 85% Low Income.**

**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:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (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: