



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 12.1e

**Meeting Date:** April 7, 2011

**Subject:** California Department of Education Waiver Request: QEIA Average Class Size, 9th Grade at Luther Burbank High School

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

**Learning Support Unit/Department:** Accountability Office

**Recommendation:** Approve California Department of Education Waiver Request: QEIA Average Class Size, 9th Grade at Luther Burbank High School

**Background/Rationale:**

The QEIA Grant requires participating schools to reduce class size averages in the math, science, English and social science classes at each grade level to a maximum of twenty five or reduce the average by five, whichever is lower. Luther Burbank has achieved that threshold at the 10<sup>th</sup> grade (20.55), 11<sup>th</sup> grade (21.52), and 12<sup>th</sup> grade (22.18) levels. While the school has reduced the average class size in 9<sup>th</sup> grade from 20.6 to 17.6 for the 2010-11 school year, we do not have sufficient funds to reach the required 15.6 average.

The very low 9<sup>th</sup> grade threshold of 15.6 is due to the fact that the school had already been implementing state and federal class size reduction money to get to the 20.6 base level. The school did not anticipate that state and federal CSR funds would end nor did we anticipate that the school district would increase the class size ratio funding formula resulting in fewer general fund teachers being allocated to the site. The QEIA funds, without the additional funding or formula assistance, have served to significantly reduce class size but not to the required goal of 15.6 for 9<sup>th</sup> grade classes.

**Financial Considerations:** Loss of QEIA funds if waiver is not granted.

**Documents Attached:**

1. Waiver request

**Estimated Time of Presentation:** N/A

**Submitted by:** Mary Hardin Young, Area Assistant Superintendent

**Approved by:** Mary C. Shelton, Chief Accountability Officer

**SPECIFIC WAIVER REQUEST**

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

<http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver:

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)

<b>CD CODE</b>				

<b>Local educational agency:</b> <b>Sacramento City Unified School District</b>	<b>Contact name and Title:</b> <b>Ted Appel</b> <b>Principal, Luther Burbank High School</b>	<b>Contact person's e-mail address:</b> <b>appelt@sac-city.k12.ca.us</b>
<b>Address:</b> (City) (State) (ZIP) <b>3500 Florin Rd Sacramento Ca. 95823</b>		

<b>Period of request: (month/day/year)</b> From: <b>September, 2010 To: June 30, 2014</b>	<b>Local board approval date: (Required)</b> <b>April 7, 2011</b>
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**LEGAL CRITERIA**

1. Authority for the waiver: **33050(a)** Specific code section: **52055.740(C)(i)**  
 Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.  
**The Sacramento City Unified School District is requesting a waiver, on behalf of Luther Burbank High School, to waive Quality in Education Investment Act (QEIA) Education Code section 52055.740 (C)(i). Specifically, Luther Burbank High School is requesting an adjustment to the ninth-grade class size reduction target, to increase the pupil to teacher ratio from 15.6 to 18.6. The term of the waiver is requested from September 1, 2010 to June 30, 2014.**

2. *Education Code* or *California Code of Regulations* or portion to be waived.  
 Section to be waived: (number) Circle One: *EC* or *CCR*  
 Brief Description of the topic of the waiver: **QEIA average class size for 9<sup>th</sup> grade students.**

3. If this is a renewal of a previously approved waiver, please list Waiver No: \_\_\_\_\_ and date of SBE approval \_\_\_\_\_  
 Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)  
 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**  
 Name of bargaining units and representative(s) consulted: **Sacramento City Teachers Association**  
 The position(s) of the bargaining unit(s):  Neutral  Support  Oppose (*Please specify why*)  
 Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: **Luther Burbank School Site Council**  
 Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must approve the request.  
 Date advisory committee/council reviewed request: **March 7, 2011**  
 Approve  Neutral  Oppose  
 Were there any objection? Yes  No  (If there were objections please specify)

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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 (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

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:

(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)).

(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:

(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 self-contained classrooms in that grade at the schoolsite. If the self-contained 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 self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

(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.

(D) Not increase any other class sizes in the school above the size used during the 2005-06 school year. If a funded school has a low-enrollment innovative class, it may increase the number of pupils in that class to a number that does not exceed the school-wide average.

7. 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. (Attach additional pages if necessary.)

Desired Outcome/Rationale: To continue to receive QEIA funds to achieve all academic goals of QEIA grant.

Reason for Request: The QEIA Grant requires participating schools to reduce class size averages in the math, science, English and social science classes at each grade level to a maximum of twenty five or reduce the average by five, whichever is lower. Luther Burbank has achieved that threshold at the 10<sup>th</sup> grade (20.55) 11<sup>th</sup> grade (21.52) and 12<sup>th</sup> grade (22.18) levels. While the school has reduced the average class size in 9<sup>th</sup> grade from 20.6 to 17.6 for the 2010-2011 school year, we do not have sufficient funds to reach the required 15.6 average.

The very low 9<sup>th</sup> grade threshold of 15.6 is due to the fact that the school had already been implementing state and federal class size reduction money to get to the 20.6 base level. The school did not anticipate that state and federal CSR funds would end nor did we anticipate that the school district would increase the class size ratio funding formula resulting in fewer general fund teachers being allocated to the site. The QEIA funds, without the additional funding or formula assistance, have served to significantly reduce class size but not to the required goal of 15.6 for 9<sup>th</sup> grade classes.

Luther Burbank High School is committed to continued implementation of the QEIA program, in which significant gains on 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 ninth-grade QEIA target of 18.6.

8. Demographic Information:

Luther Burbank High School 32% Hispanic, 42% Asian, 17 % African American, 9% other.  
45% English Learner 84.3% Low Income

Urban area, Sacramento County.

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:
Signature of SELPA Director (only if a Special Education Waiver)		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: