



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 12.1j

**Meeting Date:** June 2, 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 after Public Hearing
- 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:**

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

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.

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.

**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

**GENERAL WAIVER REQUEST**

GW-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

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

1430 N Street, Suite 5602  
Sacramento, CA 95814

CD CODE					

Local educational agency: <b>Sacramento City Unified School District</b>		Contact name and Title: <b>Ted Appel, Principal. L Burbank HS Mary Hardin Young, Asst. Supt.</b>		Contact person's e-mail address: <b><a href="mailto:appelt@sac-city.k12.ca.us">appelt@sac-city.k12.ca.us</a> <a href="mailto:mary-hardinyoung@sac-city.k12.ca.us">mary-hardinyoung@sac-city.k12.ca.us</a></b>	
Address: (City) (State) (ZIP) <b>3500 Florin Rd Sacramento Ca. 95823</b>		Phone (and extension, if necessary):  Fax Number:			
Period of request: (month/day/year) From: <b>September, 2010 To: June 30, 2014</b>		Local board approval date: (Required) <b>June 2, 2011</b>		Date of public hearing: (Required) <b>June 2, 2011</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 average class size for 9<sup>th</sup> grade students.**

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  Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **March 25, 2011**

Name of bargaining unit and representative(s) consulted: **Sacramento City Teachers Association/Linda Tuttle, Pres.**

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:  
**Luther Burbank School Site Council**

Date the committee/council reviewed the waiver request: **March 7, 2011**

Were there any objection(s)? No X Yes \_\_\_ (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 (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:
- (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 school site. 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. 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.

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

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 2010-2011 school year, we do not have sufficient funds to reach the required 15.6 average.

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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 has a student population of 32% Hispanic, 42% Asian, 17% African American, 9% Other. 45% English Learner, 84.3% Low Income and is located in an Urban Area, in 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:
<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: