

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2018 Agenda Item #W-01

## Subject

Request by **Mt. Baldy Joint Elementary School District** to waive California *Education Code* Section 41402(a), the requirement which sets the ratio of administrators to teachers for elementary school districts at nine for every 100 teachers.

## Waiver Number

29-3-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Mt. Baldy Joint Elementary School District (ESD) hired a new principal on August 1, 2016. The district previously requested and received a waiver approval from the California State Board of Education (SBE) to have two full-time administrators with seven teachers to allow a transition period for the interim superintendent to train and mentor the new principal to assume the dual role of principal/superintendent. It was anticipated that two years would be needed for the transition and then the district would return to the maximum allowable ratio. However, during this time period, the district has found that in order to best meet the learning needs of all students and to govern and meet all state and federal guidelines, a full-time principal and a part-time superintendent is needed. The district is requesting one and a half full-time administrators with seven teachers.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education recommends the SBE approve the request by the Mt. Baldy Joint ESD to waive *EC* Section 41402(a) for the period August 1, 2018, through July 29, 2020, with the condition that the district make an effort to find a permanent solution to comply with the maximum administrator to teacher ratio for the 2020–21 school year.

## Summary of Key Issues

The Mt. Baldy Joint ESD is requesting a waiver of *EC* Section 41402(a), which establishes the maximum ratio of nine administrative employees to 100 teachers in an elementary school district; however, *EC* Section 41402 does not apply to a school district that has one or fewer administrators. The Mt. Baldy Joint ESD currently has a student population of 95 and employs seven teachers, which allows for one administrator. The Mt. Baldy Joint ESD would need to employ an additional 9.67 teachers to be in compliance with the maximum administrator to teacher ratio for the 2018–19 and 2019–20 school years.

The Mt. Baldy Joint ESD is requesting to have a half-time interim superintendent for the next two years along with the full-time principal. The interim superintendent spends the majority of his time working with the Board of Education; overseeing and managing the functions of chief business officer, human resources officer, and educational services officer; and ensuring adherence to all federal and state guidelines. Having only one position serving as both superintendent and principal takes valuable time away from the principal function of being the educational leader of the school: ensuring that the learning needs of all students are met and that teachers are growing professionally.

The Mt. Baldy Joint ESD received a waiver for 2016–17 and 2017–18 to employ two administrators with seven teachers which was intended as a transition period to train and mentor the new principal to assume the duties of principal/superintendent. However, during this transition period it became evident that the additional part-time administrative position is needed on a more permanent basis to ensure that student needs are adequately met. The Mt. Baldy Teachers Association supports this waiver. In addition, the San Bernardino County Office of Education is assisting the district with the cost of the interim superintendent and the current principal/superintendent’s annual salary is well below that of comparable districts in the county. This allows the district to fund the two positions within the confines of its budget.

Going forward, the district should examine the part-time interim superintendent’s duties and determine if they may be able to classify the position as classified rather than certificated based on *EC* sections 35028, 35029, and 44069 which would be a permanent solution to allow the district to have two administrative positions.

**Demographic Information:** Mt. Baldy Joint ESD has a student population of 95 students and is located in a rural area of San Bernardino County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

## Summary of Previous State Board of Education Discussion and Action

The SBE approved the request by the Mt. Baldy Joint ESD, at the September 2016 meeting, to waive *EC* Section 41402 for the maximum administrator to teacher ratio in 2016–17 and 2017–18 to transition the newly hired principal into a permanent superintendent/principal role.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of this waiver approval. Approval of this waiver will prevent future audit penalties for the school district.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Mt. Baldy Joint Elementary School District General Waiver Request 29-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 41402(a)

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted, Date, and Position** | **Local Board and Public Hearing Approval** |
| --- | --- | --- | --- | --- |
| 29-3-2018 | Mt. Baldy Joint Elementary School District | **Requested**: August 1, 2018, to August 1, 2020  **Recommended:** August 1, 2018, to July 29, 2020 | Mt. Baldy Teachers Association, Tisha Cate President January 18, 2018 **Support** | Parent Teacher Association/Parent Advisory Committee, January 19, 2018 **No objections**  Public Hearing Date: February 15, 2018  Local Board Approval: March 15, 2018 |

Created by California Department of Education  
May 2018

# Attachment 2: Mt. Baldy Joint Elementary School District General Waiver Request 29-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667793

Waiver Number: 29-3-2018

Active Year: 2018

Date In: 3/22/2018 11:02:44 AM

Local Education Agency: Mt. Baldy Joint Elementary School

Address: 1 Mt. Baldy Rd.

Mt. Baldy, CA 91759

Start: 8/1/2018

End: 8/1/2020

Waiver Renewal: Yes

Previous Waiver Number: 24-6-2016-W-06

Previous SBE Approval Date: 8/1/2016

Waiver Topic: Administrator/Teacher Ratio

Ed Code Title: Administrator/Teacher Ratio

Ed Code Section: *EC*41402

Ed Code Authority: *EC*33050

*Education Code* or *CCR* to Waive: In Elementary School Districts-9

Outcome Rationale: The current administrative position at Mt. Baldy School is Superintendent/Principal. Although this school is a school with just under 100 students, as Superintendent, a good amount of time must be spent working with, as well as education the Board of Education. This comes in addition to overseeing and managing the functions of Chief Business Officer, Human Resources Officer, and Educational Services Officer. Doing so, requires a high level of expertise as well as understanding, following, and adhering to all Federal and State guidelines.

Taking the time to ensure that all district level functions and guidelines are met as a Superintendent, takes away valuable time from the Principal's position of being the educational leader of the school to ensure that the learning needs of all students are being met and that teachers are growing professionally to best meet the learning needs of all students. This also takes away valuable time for a Principal to run the day-to-day operations of a school including, but not limited to such things as, overseeing and managing the LCAP process, student discipline/bus issues, interacting and working with parents, working with and evaluating teachers, piloting and selecting new State Standards/Common Core aligned instructional materials, sitting in on all IEP meetings, being out for recess and lunch duty, supervising before and after school bus duty, as well as a variety of other important daily needs of running a school in today's times. Being able to split this position into a full time Principal, who is the educational leader and oversees the daily operations of the school along with a part time, or even a fulltime Superintendent, who works with the Board of Education to govern as well as develop policies and procedures for the school to meet all State and Federal guidelines will help Mt. Baldy School best meet the learning needs of all students as well as being proactive to involve parents and community members in the education of their children. Waiving the Administrative Ratio has been very helpful and Successful in helping our school move forward for the 2016-2017 and 2017-2018 school years.

Student Population: 95

City Type: Rural

Public Hearing Date: 2/15/2018

Public Hearing Advertised: Posted 72 hours in advance and school website

Local Board Approval Date: 3/15/2018

Community Council Reviewed By: Teachers, PTA, Parent Advisory Committee, School Board

Community Council Reviewed Date: 1/19/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Mitch Hovey

Position: Interim Superintendent

E-mail: [mitch\_hovey@mtbaldy.k12.ca.us](mailto:mitch_hovey@mtbaldy.k12.ca.us)

Telephone: 909-985-0991

Bargaining Unit Date: 01/18/2018

Name: Mt. Baldy Teachers Association

Representative: Tisha Cate

Title: President

Position: Support