

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education March 2023 Agenda Item #W-01

## Subject

Request by **Oroville Union High School District** to waive California *Education Code* Section 41402(c), which sets the ratio of administrators to teachers for high school districts at seven administrators for every 100 teachers.

## Waiver Number

9-11-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Oroville Union High School District (HSD) is requesting a waiver of California *Education Code* (*EC*) Section 41402(c), to allow the district to hire an additional administrator, on a temporary basis, that will transition to the Superintendent position in the following fiscal year. The district needs this waiver to accommodate the transition period and not incur a fiscal penalty.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

The California Department of Education recommends the State Board of Education (SBE) approve the request by the Oroville Union HSD to waive *EC* Section 41402(c) for the period from July 1, 2023, through June 30, 2024.

## Summary of Key Issues

The Oroville Union HSD is requesting a waiver of EC Section 41402(c), which establishes the maximum ratio of seven administrative employees to 100 teachers in a high school district. The district is requesting to hire an additional administrative position on July 1, 2023, that will transition to the Superintendent position on July 1, 2024, when the current Superintendent’s contract expires. The one-year transition period will allow the current Superintendent to work with and mentor the incoming superintendent. Approving this waiver will exempt the district from any financial audit penalties imposed as a result of *EC* Section 41402 during the transition process. The Oroville Union HSD currently employs 140 teachers and 10 administrators and would need to employ 11 additional teachers to be in compliance with the maximum administrator to teacher ratio if one additional administrative employee is added.

The Oroville Secondary Teachers Association and the Supportive School Climate Committee (District Advisory) had no objections to the waiver.

**Demographic Information:** The Oroville Union HSD has a student population of 2,321, and is located in a rural area of Butte 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 a similar previous request by the Mt. Baldy Joint Elementary School District 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 role as the superintendent/principal.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of this waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Oroville Union HSD General Waiver Request 9-11-2022 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

| California *Education Code* Section 45134(c)**Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted, Date and Position** | **Public Hearing and Board Date** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 9-11-2022 | Oroville Union High School District | **Requested:** July 1, 2023, to June 30, 2024  **Recommended:** July 1, 2023, to June 30, 2024 | Oroville Secondary Teachers Association  Teisha Hase, OSTA President  October 21, 2022  **No objections** | Approved:  October 19, 2022 | Supportive School Climate Committee  November 7, 2022  **No objections** |

Created by California Department of Education  
December 2022

# Attachment 2: California Department of Education WAIVER SUBMISSION - General

CD Code: 0461515

Waiver Number: 9-11-2022

Active Year: 2022

Date In: 11/30/2022 7:41:12 AM

Local Education Agency: Oroville Union High

Address: 2211 Washington Ave.

Oroville, CA 95966

Start: 7/1/2023

End: 6/30/2024

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Administrator/Teacher Ratio

Ed Code Title: Administrator/Teacher Ratio in High School Distric

Ed Code Section: 41402

Ed Code Authority: 41402 (c)

*Education Code* or *CCR* to Waive: 41402. The maximum ratios of administrative employees to each 100

teachers in the various types of school districts shall be as

follows:

(a) In elementary school districts--9.

(b) In unified school districts--8.

(c) In high school districts--7.

Outcome Rationale: The State of California has established a ratio for the number of school administrators to teachers per *Education Code* 41402. High schools can have seven administrators per every hundred teachers. The Board has directed the Superintendent to add a district level administrator for the 23/24 who will succeed the current Superintendent when his contract expires on June 30, 2024. The cost of the proposal would be the salary and benefits for one year, which has not been determined.

Student Population: 2321

City Type: Rural

Public Hearing Date: 10/19/2022

Public Hearing Advertised: Website, agendas posted at all school sites and social media

Local Board Approval Date: 10/19/2022

Community Council Reviewed By: Supportive School Climate Committee (District Advisory)

Community Council Reviewed Date: 11/7/2022

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Dr. Corey Willenberg

Position: Superintendent

E-mail: [cwillenb@ouhsd.net](mailto:cwillenb@ouhsd.net)

Telephone: 530-538-2300 x1107

Fax:

Bargaining Unit Date: 10/21/2022

Name: Oroville Secondary Teachers Association

Representative: Teisha Hase

Title: OSTA President

Phone: 530-538-2359, ext 3023

Position: Neutral

Comments: