

California Department of Education  
Executive Office  
SBE-005 (REV. 10/2017)  
General Waiver

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

## Subject

Request by **Surprise Valley Joint Unified School District** to waive California *Education Code* Section 41402(b), the requirement which sets the ratio of administrators to teachers for unified school districts at eight for every 100 teachers.

## Waiver Number

8-10-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

Surprise Valley Joint Unified School District (USD) is a very small, geographically isolated district located in Cedarville. The district serves approximately 111 students with one elementary school and one high school. Current administrative positions include one half-time superintendent and one principal, with approximately 9.25 full-time equivalent (FTE) 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 California State Board of Education (SBE) approve the request by the Surprise Valley Joint USD to waive *EC* Section 41402(b) for two years less one day, as shown on Attachment 1, with the condition that the district has no more than 1.5 administrators and returns to the ratios allowed by statute for fiscal year 2019–20.

## Summary of Key Issues

The Surprise Valley Joint USD is requesting a waiver of *EC* Section 41402(b), which establishes the maximum ratio of 8 administrative employees to 100 teachers in a unified school district. The Surprise Valley Joint USD currently has 9.25 teachers, which allows for a .74 FTE administrator. The district would need to employ an additional 9.5 FTE teachers to be in compliance with the maximum administrator to teacher ratio for the 2017–18 school year.

According to the district, further reducing administrators would impact safety, student achievement, morale, and overall operations. Approving this waiver will exempt the Surprise Valley Joint USD from any audit penalties imposed as a result of *EC* Section 41402 and give the district time to implement a solution. The board and superintendent are considering options to bring the district into compliance including closing a school, combining campuses, or contracting with the county office of education for services. The district is seeking the waiver to provide time to implement the best option.

The School Site Council had no objections to this waiver request and the Surprise Valley Bargaining Unit and Teamsters 137 supports the request.

**Demographic Information** Surprise Valley Joint USDhas a student population of approximately 111 students and is located in a remote rural area of Modoc 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 has approved requests by various school districts to waive *EC* Section 41402 for the maximum administrator to teacher ratio; however, these waivers are infrequent with an average of one to two requests every other year. The rational for the waivers included a projected influx of new students from new housing developments, additional administrative support needed in the interim process of a district unification, and temporary support needed for a small district that was allowed only one administrator.

The conditions included in this waiver are similar to those previously approved, which were to provide additional administrative support on a temporary basis to a small district that was only allowed one administrator.

## Fiscal Analysis (as appropriate)

Approval of this waiver will prevent future audit penalties for the school district. The estimated penalty for fiscal year 2016–17 is $67,817 based on 1.5 administrators.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Surprise Valley USD General Waiver Request (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 41402

| Waiver Number | District | Period of Request | District’s Request | CDE Recommended Action | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Annual Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 8-10-2017 | Surprise Valley Joint Unified | **Requested:**  July 1, 2017, to June 30, 2019  **Recommended:** July 1, 2017, to June 29, 2019 | 1.5 administrators with 9.25 teachers | 1.5 administrators with 9.25 teachers | Surprise Valley Bargaining Unit and Teamsters 137  7/10/2017 **Support** | Local Board Approval 10/12/2017  School Site Council 9/11/2017  **No Objections** | $67,817 |

Created by California Department of Education   
November 2017

# Attachment 2: Surprise Valley USD General Waiver Request

**California Department of Education   
WAIVER SUBMISSION – General**

CD Code: 2565896  
Waiver Number: 8-10-2017  
Active Year: 2017

Date In: 10/13/2017 2:33:30 PM

Local Education Agency: Surprise Valley Joint Unified School DistrictAddress: 470 Lincoln St.Cedarville, CA 96104

Start: 7/1/2017  
End: 6/30/2019

Waiver Renewal: NoPrevious Waiver Number: *None*  
Previous SBE Approval Date: *None*

Waiver Topic: Administrator/Teacher RatioEd Code Title: Administrator/Teacher Ratio in Unified School Dist Ed Code Section: 41402Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [Maximum ratio of administrative employees to each 100 teacher in various types of school districts shall be as follows::] (b) in unified districts-8]

Outcome Rationale: The Surprise Valley Jt. Unified School District currently has one full-time principal for the elementary school campus and the high school campus which are located a quarter mile from one another. In addition, we have a superintendent that is on campus 10 days a month. In completing the CDE Employee Ratio Worksheet we are .49 FTE in excess. Further reducing administration would impact safety, student achievement, moral, and overall operations. As superintendent I am requesting the district be approved for 1.5 administrators to include a half-time superintendent and one district principal.

Student Population: 111

City Type: Rural

Public Hearing Date: 10/12/2017

Public Hearing Advertised: Board agendas, school sites, district website, posted at the post office in four communities

Local Board Approval Date: 10/12/2017

Community Council Reviewed By: School Site Council and Teachers association  
Community Council Reviewed Date: 9/11/2017  
Community Council Objection: No  
Community Council Objection Explanation: *None*  
Audit Penalty: No

Categorical Program Monitoring: No

Submitted by: Ms. Janelle AndersonPosition: SuperintendentE-mail: [janderson@svjusd.org](mailto:janderson@svjusd.org)Telephone: 530-279-6141 x124Fax: 530-279-2210

Bargaining Unit Date: 07/10/2017Name: Surprise Valley Bargaining Unit and Teamsters 137Representative: Heather BordwellTitle: Union presidentPosition: SupportComments: *None*