

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2018 Agenda Item #W-02

## Subject

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

## Waiver Number

31-3-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Oroville Union High School District (HSD) is requesting a waiver to add an additional assistant principal position at each of its two comprehensive high schools. The district is requesting ten administrators with 111.2 teachers.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

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

The California Department of Education (CDE) is recommending denial of the waiver based on *EC* Section 33051(a)(4) that the waiver would jeopardize personnel and pupil protections. The personnel protections afforded to certificated teachers include that the law establishes the maximum number of administrative employees for high school districts, which ensures that there is not a disproportionate number of administrators to teachers. The law also protects pupils by ensuring that state funding is spent on classroom instruction. CDE finds no compelling reason that the situation in the Oroville Union HSD is unique and would warrant different treatment than other high school districts.

## 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 Oroville Union HSD is projected to have enrollment of 1,902 for 2018–19 and employs 111.2 teachers, which allows for 7.78 administrators. The Oroville Union HSD currently has eight administrators, with 0.45 full time equivalent that is federally funded and excluded from the calculation. For the district to employ two additional administrators, they would need to employ an additional 25.22 teachers to be in compliance with the administrator to teacher ratio for the 2018–19 and 2019–20 school years.

The Oroville Union HSD currently employs a principal and an assistant principal at each of its two high schools. The district is seeking authorization for a second assistant principal at each high school. The district is requesting the additional administrative positions to better address student needs on a daily basis, share in the daily student supervision duties, oversee classroom instruction more frequently, and work with students to address learning barriers more frequently. The district is hoping to see a reduction in suspensions and expulsions, a decrease in chronic absenteeism, an increase in graduation rates, and an increase in English and math proficiency through the addition of the assistant principals. The effectiveness of the additional administrative positions would be evaluated after a two-year period and a plan going forward would be developed at that point. The district is projecting that its enrollment will increase by 140 students by 2020–21. The district’s average class sizes are between 28 and 32 students.

The Oroville Secondary Teachers Association opposes the waiver and does not want the district to spend limited resources on additional administrative positions, but rather on classroom instruction.

**Demographic Information:** Oroville Union HSD has a student population of 1,902 students and is located in a rural area of Butte County.

**Because this is a general waiver, if the State Board of Education (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 the Banta Elementary School District and the Upper Lake Union High School District to waive *EC* Section 41402 for the maximum administrator to teacher ratio to address a projected influx of new students due to a new housing development and additional administrative support needed in the interim process of a district unification.

The SBE has approved a 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.

The conditions included in this waiver are not similar to those previously approved.

## 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:** Oroville Union High School District General Waiver Request 31-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

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

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted, Date, and Position** | **Local Board and Public Hearing Approval** |
| --- | --- | --- | --- | --- |
| 31-3-2018 | Oroville Union High School District | **Requested**: August 1, 2018 to July 30, 2020 | Oroville Secondary Teachers Association, Teisha Hase, President March 6, 2018 **Oppose** | Superintendent’s Advisory Council, January 22, 2018,  No objections  Oroville High School Site Council  May 10, 2018  Support  Las Plumas High School Site Council  May 31, 2018  Support  Public Hearing Date: March 21, 2018  Local Board Approval: March 21, 2018 |

Created by California Department of Education  
May 2018

# Attachment 2: Oroville Union High School District General Waiver Request 31-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0461515

Waiver Number: 31-3-2018

Active Year: 2018

Date In: 3/22/2018 2:57:20 PM

Local Education Agency: Oroville Union High School

Address: 2211 Washington Ave.

Oroville, CA 95966

Start: 8/1/2018

End: 7/30/2020

Waiver Renewal: No

Waiver Topic: Administrator/Teacher Ratio

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

Ed Code Section: 41402

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Maximum ratio of administrative employees to each 100 teachers in various types of school districts shall be as follows: (c) in high school districts-7.

Outcome Rationale: Additional assistant principals at the comprehensive high schools would become part of an administrative team that will share daily student supervision duties, supervise instruction in the classrooms more frequently and work with students to address barriers that are impeding learning. Currently, two administrators are supervising 1,000 students on campus daily. Two administrators cannot be proactive on a comprehensive high school campus and address student needs on a daily basis,as well as, ensure learning is taking place on a daily basis. As Superintendent, I am requesting to add additional administration at both comprehensive high schools in the district, if we have funding available.

Student Population: 2162

City Type: Rural

Public Hearing Date: 3/21/2018

Public Hearing Advertised: Public Hearing Advertised: Board Agendas, school sites, and district website.

Local Board Approval Date: 3/21/2018

Community Council Reviewed By: Administrative team brought request to Superintendent in August 2017 and January, 2018.

Community Council Reviewed Date: 1/9/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Corey Willenberg

Position: Superintendent

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

Telephone: 530-538-2300 x1107

Fax: 530-538-2357

Bargaining Unit Date: 03/06/2018

Name: Oroville Secondary Teachers Association

Representative: Teisha Hase

Title: President

Position: Oppose

Comments: Believe we need additional admin, don't want to spend the money on it.