



# CALIFORNIA STATE BOARD OF EDUCATION

## JULY 2004 AGENDA

### General Waiver

<b>SUBJECT</b> Request by <b>San Francisco Unified School District</b> for a waiver of <i>Education Code</i> (EC) Section 44929.21(b) to allow an extension of, the non-reelection date (March 15, 2004) for one certificated probationary teacher for a third year.  Waiver Number: 27-5-2004	<input checked="" type="checkbox"/> <b>Action</b>
	<input type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

Approval  Approval with conditions  Denial

That this waiver is limited to one more year of probation for this specific teacher for the 2004-2005 year only.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) on a one-time, limited basis previously approved a waiver of this type on September 6, 2000.

### SUMMARY OF KEY ISSUES

EC 44929.21 specifically limits the length of time a certificated employee may be retained in a probationary status by a school district as a personnel protection measure.

In this specific case a legitimate difference of opinion has arisen with respect to whether the teacher possesses the necessary attributes to be offered a permanent, tenured position. In an effort to resolve this with the interests of both the district in maintaining a trained individual and the teacher, desirous of a permanent position, in mind, a waiver to extend the probationary period for a third year is requested.

The teacher will be moved to a different school site and will then be subject to the evaluation of the administrator at that site in the 2004-05 school year. The bargaining unit, the United Teachers of San Francisco concurs that the waiver is appropriate.

On the basis of this review, the department is recommending approval on a one year, limited to this teacher only.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Bargaining unit(s) consulted on date(s):** April 7, 2004

Position of bargaining unit(s) (choose only one):

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Neutral                       Support                       Oppose

**Name of bargaining unit/representative(s):** Dennis Kelley, President , United Educators of San Francisco. The union concurs that the waiver is appropriate.

**Public hearing identified by (choose one or more):**

posting in a newspaper       posting at each school       other (specify)  
public places

**Public hearing held on date(s):** May 11, 2004

**Local board approval date(s):** May 11, 2004

**Advisory committee(s) consulted:** Not consulted, no committee is affected by this waiver.

**Objections raised (choose one):**  None       Objections are as follows:

**Date(s) consulted:** N/A

**Period of request:** July 1, 2004 to June 30, 2005

**FISCAL ANALYSIS (AS APPROPRIATE)**

This waiver will have no state or district fiscal impact.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.