



# CALIFORNIA STATE BOARD OF EDUCATION

## JULY 2004 AGENDA

**General Waiver**

<b>SUBJECT</b>  Request by <b>Point Arena Union High School District</b> and <b>Arena Union Elementary School District</b> to waive a portion of <i>Education Code</i> (EC) Section 35110, to allow the common governing board of these two districts to adopt a resolution of joint and separate areas responsibilities when the employees of these two districts have different bargaining units (although both are associated with the California Teachers Association).  Waiver Number: 31-5-2004	<input checked="" type="checkbox"/> <b>Action</b>
	<input type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

Approval  Approval with conditions  Denial  
That E.C. 33051(c) will apply.

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

A waiver of this provision has never before been requested of the State Board of Education (SBE).

### SUMMARY OF KEY ISSUES

The Point Arena Union High School District (UHSD) and the Arena Union Elementary School District (SD) currently share the same governing board, and have consolidated many of the other district administrative functions. Beginning with the 2004-05 fiscal year, they also want to convert to doing a unified budget for both districts, which will create a savings in employee costs in the district Budget Office.

There is a permissive code section, Article 1.5, Common Governing Boards (Sections 35110 through 35113 which allows this consolidation to be done through a local Board resolution. The resolution has been prepared (see attached), but is contingent on the SBE approving a waiver of one portion of EC 35110 which states the resolution may only be adopted:

“... if the certificated employees in both districts have selected the same employee organization to be their exclusive representative for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.”

The employees in Point Arena UHSD and the Arena Union Elementary SD are both represented by California Teachers Association, and are on the same benefit plan and salary schedule, however they have maintained separate” organizations” on a historical

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basis. They are considering combining the two bargaining units, but cannot do this before the start of the 2004-05 fiscal year. So, both organizations were contacted, and requested to participate in the request for a general waiver of the above language. The union positions were marked as "neutral" on the waiver form. CDE staff called to confirm this, as it seemed to be the major issue in this request. William Morton, in the high school district stated on 6/4/04 that there was no opposition to this waiver and that they just didn't want to be pushed to joining with the other bargaining unit at this time.

Scott Fraser, in the elementary school district indicated that their unit was fully supportive, and that the only change from current condition would be the budget administration which had no material effect on the staff.

Based on the above union positions, and the cost savings projected by the district, the department recommends approval of this waiver request. EC 33051(c) will apply.

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

### Point Arena Union High School District

**Bargaining unit(s) consulted on date(s):** March 3, 11, and April 21, 2004  
William Morton and Roger Little (per district waiver request)

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

Neutral

Support

Oppose

**Name of bargaining unit/representative(s):** CDE Staff called on 6/4/04 to personally confirm union's position on the waiver. William Morton said there were no objections to the waiver request, and that they understood it was necessary as the two employee unions were not yet ready to become "one association".

### Arena Union Elementary District

**Bargaining unit(s) consulted on date(s):** March 3, 11, and April 21, 2004  
Bob Shimon, Scott Fraser (per district waiver request)

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

Neutral

Support

Oppose

**Name of bargaining unit/representative(s):** CDE Staff called on 6/8/2004 to confirm union's position. Scott Fraser, with the elementary school stated his unit was fully supportive of the waiver request. He believed the district is considering unification in the future.

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

posting in a newspaper

posting at each school

other (specify)

three other public places in district

**Public hearing held on date(s):** May 20, 2004

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**Local board approval date(s):** May 20, 2004

**Advisory committee(s) consulted:** Both School Site Advisory Councils

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

**Date(s) consulted:** May 17, 2004

**Period of request:** May 20, 2004 to May 19, 2006. EC 33051(c) will apply.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of the waiver, and the implementation of a joint budget for both districts will create a savings in staff costs in the district office.

**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.