



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2004 AGENDA

**Specific Waiver**

|  |   |
|--|---|
| <b>SUBJECT</b><br><br>Request by <b>Dublin Unified School District</b> to waive <i>Education Code</i> Section 45108.5(b)(1) to increase the number of positions designated as senior management.<br><br>Waiver Number: 36-2-2004 | <input checked="" type="checkbox"/> <b>Action</b> |
|  | <input type="checkbox"/> <b>Consent</b>           |

### RECOMMENDATION

Approval     Approval with conditions     Denial

We recommend approval of this waiver request. Dublin is requesting to increase its number of senior management positions from two to five. Per statute, a district with less than 10,000 average daily attendance (ADA) is allowed only two such positions, unless granted a waiver by the State Board.

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

The Board has previously approved requests to waive *Education Code* Section 45108.5(b)(1) for Los Angeles Unified School District and Calexico Unified School District.

### SUMMARY OF KEY ISSUES

Statute authorizes school districts to designate between two and five positions, based on the size of the district, as "senior management" positions. The designation as senior management means that personnel in those positions are afforded all rights, benefits, and burdens of other classified employees, except that they shall be exempt from all provisions relating to obtaining permanent status"

The district is experiencing significant growth and requires a change in its organizational structure to meet the additional demands of a growing district. The district believes this language will provide additional flexibility if there comes a time when they determine those positions are no longer needed.

**Authority for the Waiver:** *Education Code* Section 45108.7

**Bargaining unit(s) consulted on date(s):** California School Employees Association (CSEA)

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

Neutral                       Support                       Oppose

## **Dublin Unified School District, Page 2**

**Name of bargaining unit(s)/representative(s):** Shelley Fischer, President (CSEA),  
Dublin Chapter #439

**Local board approval date(s):** January 27, 2004

**Period of request:** Waiver requested for the period March 1, 2004 through  
February 28, 2006, thus making it a permanent waiver request.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

There is no known fiscal impact for this waiver request.

### **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.