

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education September 2021 AgendaItem #W-08

## Subject

Requests by **nine local educational agencies** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

## Waiver Number

* Azusa Unified School District 10-6-2021
* Elk Grove Unified School District 1-6-2021
* Goleta Union Elementary School District 12-5-2021
* Lucia Mar Unified School District 3-5-2021
* Parlier Unified School District 17-6-2021
* San Luis Coastal Unified School District 15-6-2021
* San Mateo-Foster City School District 19-6-2021
* Solana Beach Elementary School District 1-5-2021
* West Sonoma County Union High School District 5-6-2021

## Type of Action

Action, Consent

## Summary of the Issue(s)

School districts that elect governing board members at-large face existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the California *Education Code* (*EC*), a district can change from at-large elections to by-trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Azusa Unified School District (USD), the Elk Grove USD, the Goleta Union Elementary School District (ESD), the Lucia Mar USD, the Parlier USD, the San Luis Coastal USD, the San Mateo-Foster City School District (SD), the Solana Beach ESD, and the West Sonoma County Union High School District (UHSD) request that the California State Board of Education (SBE) waive the requirement that a by-trustee-area election method be approved at a districtwide election—allowing by-trustee-area election methods for these districts to be adopted upon review and approval of the appropriate County Committee.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

Approval of the waiver requests will eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the Azusa USD, the Elk Grove USD, the Goleta Union ESD, the Lucia Mar USD, the Parlier USD, the San Luis Coastal USD, the San Mateo-Foster City SD, the Solana Beach ESD, and the West Sonoma County UHSD. Voters in the districts will continue to elect all board members—however, if the waiver requests are approved, board members will be elected by trustee areas beginning with the next governing board election that occurs at least 120 days after County Committee approval of the election method.

County Committees have the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to *EC* Section 5020, County Committee approval of trustee areas and election methods constitutes an order of election—thus, voters in the districts have the final approval.

Many districts in California are facing existing or potential litigation under the CVRA because of their at-large election methods. To address such litigation, the Azusa USD, the Elk Grove USD, the Goleta Union ESD, the Lucia Mar USD, the Parlier USD, the San Luis Coastal USD, the San Mateo-Foster City SD, the Solana Beach ESD, and the West Sonoma County UHSD are taking actions to establish trustee areas and adopt by-trustee-area election methods. In order to establish the trustee areas and the methods of election as expeditiously as possible, the districts request that the SBE waive the requirement that the trustee areas and the election methods be approved at districtwide elections. If the SBE approves the waiver requests, a by-trustee-area election method can be adopted in each district upon review and approval of the appropriate County Committee without a subsequent local election to approve the change.

Only the elections to establish trustee areas and the election methods will be eliminated by approval of the waiver requests—voters in the districts will continue to elect all governing board members. Moreover, approval of the waivers will not eliminate any existing legal rights of currently seated board members.

The waiver requests have been reviewed by the California Department of Education (CDE) and it has been determined that there was no significant public opposition to the waivers at the public hearings conducted by the governing boards of the Azusa USD, the Elk Grove USD, the Goleta Union ESD, the Lucia Mar USD, the Parlier USD, the San Luis Coastal USD, the San Mateo-Foster City SD, the Solana Beach ESD, and the West Sonoma County UHSD. The CDE also has determined that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends the SBE approve the requests to waive *EC* Section 5020 and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

**Demographic Information:**

The Azusa USD has a student population of 7,237 and is located in a suburban area of Los Angeles County.

The Elk Grove USD has a student population of 62,981 and is located in a suburban area of Sacramento County.

The Goleta Union ESD has a student population of 3,265 and is located in an urban area of Santa Barbara County.

The Lucia Mar USD has a student population of 10,000 and is located in an urban area of San Luis Obispo County.

The Parlier USD has a student population of 3,411 and is located in a rural area of Fresno County.

The San Luis Coastal USD has a student population of 7,760 and is located in a small city in San Luis Obispo County.

The San Mateo-Foster City SD has a student population of 11,057 and is located in an urban area of San Mateo County

The Solana Beach ESD has a student population of 2,966 and is located in an urban area of San Diego County.

The West Sonoma County UHSD has a student population of 1,750 and is located in a small city in Sonoma 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 240 similar waiver requests—most recently for the Torrance USD (Los Angeles County) at the March 2021 SBE meeting. Included in the previous 240 approvals was a waiver request submitted by the Solana Beach ESD. Due to COVID-19 pandemic concerns, the San Diego County Committee was unable to act in 2020 on that district’s proposal. The time period approved for the Solana Beach ESD waiver expired and the district is submitting a new waiver that will apply to the expected 2021 San Diego County Committee approval of its proposal to establish a by-trustee-area method of election.

## Fiscal Analysis (as appropriate)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the request will result in additional costs to the Azusa USD, the Elk Grove USD, the Goleta Union ESD, the Lucia Mar USD, the Parlier USD, the San Luis Coastal USD, the San Mateo-Foster City SD, the Solana Beach ESD, and the West Sonoma County UHSD for districtwide elections.

## Attachment(s)

* **Attachment 1:** Summary Table (6 pages)
* **Attachment 2**: Azusa Unified School District General Waiver Request
10-6-2021 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3**: Elk Grove Unified School District General Waiver Request
1-6-2021 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4**: Goleta Union Elementary School District General Waiver Request 12-5-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5**: Lucia Mar Unified School District General Waiver Request
3-5-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6**: Parlier Unified School District General Waiver Request
17-6-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7** San Luis Coastal Unified School District General Waiver Request 15-6-2021 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8** San Mateo-Foster City School District General Waiver Request 19-6-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office
* **Attachment 9**: Solana Beach Elementary School District General Waiver Request 1-5-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 10**: West Sonoma County Union High School District General Waiver Request 5-6-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 11:** California *Education Code* Sections Proposed for Waiver
(5 pages).

# Attachment 1:Summary Table

California *Education Code* sections 5019, 5020, 5021, and 5030

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted** | **Public Hearing and Board Dates** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 10-6-2021 | Azusa Unified School District | **Requested:**June 15, 2021toJune 12, 2023**Recommended:**June 15, 2021toJune 12, 2023 | Azusa Educators Association,Megan Savella, President5/6/2021**Support**Azusa Federation of Adult Education, Veronika Delvaux, President5/6/2021**Support**California School Employees Association (CSEA), Laurie Wray, President5/6/2021**Support** | June 15, 2021 | District English Learner Advisory Committee (5/4/2021) **No objections** |
| 1-6-2021 | Elk Grove Unified School District | **Requested:**May 18, 2021toMay 16, 2023**Recommended:**May 18, 2021toMay 16, 2023 | Elk Grove Education Association,Rick Stancil, President5/20/2021**Neutral**CSEA, Kari Ballez, President5/20/2021**Neutral**American Federation of State, County, and Municipal Employees, Diane Campbell, President5/20/2021**Neutral**Psychologists’ and Social Workers’ Association, Antonia Minoletti, President5/20/2021**Neutral**National Union of Healthcare Workers, Tara Draper, Organizer5/20/2021**Neutral**(continues on following page) | May 18, 2021 | District English Learner Advisory Committee and District Advisory Committee (5/20/2021) **No objections** |
| 1-6-2021 | Elk Grove Unified School District | **Requested:**May 18, 2021toMay 16, 2023**Recommended:**May 18, 2021toMay 16, 2023 | (continued from previous page)Amalgamated Transit Union,Ralph Niz, President5/20/2021**Neutral**EGTEAMS (Administration and other unrepresented employees),Martin Hock, President5/20/2021**Neutral** | May 18, 2021 | District English Learner Advisory Committee and District Advisory Committee (5/20/2021) **No objections** |
| 12-5-2021 | Goleta Union Elementary School District | **Requested:**May 26, 2021toMay 23, 2023**Recommended:**May 26, 2021toMay 23, 2023 | United Teaching Profession of Goleta,Sheri Scott, President5/4/2021**Support**CSEA,Norma Aldana, President5/4/2021**Support** | May 26, 2021 | District Advisory Committee (4/22/2021)**No objections** |
| 3-5-2021 | Lucia Mar Unified School District | **Requested:**May 4, 2021toMay 2, 2023**Recommended:**May 4, 2021toMay 2, 2023 | Lucia Mar Unified Teachers Association,Cody King, President4/16/2021**Support**CSEA,Sue Studer, President4/16/2021**Support** | May 4, 2021 | District English Language Advisory Committee (4/19/2021); Local Control and Accountability Plan/ Superintendent Advisory Committee (4/22/2021)**No objections** |
| 17-6-2021 | Parlier Unified School District | **Requested:**September 21, 2021toDecember 31, 2022**Recommended:**September 1, 2021toDecember 31, 2022 | Parlier Faculty Association,Joe Reyes, President5/26/2021**Support**CSEA,Lynda Pumarejo, President5/26/2021**Support** | June 8, 2021 | School Site Councils and District English Language Advisory Committee (5/27/2021)**No objections** |
| 15-6-2021 | San Luis Coastal Unified School District | **Requested:**May 4, 2021toMay 2, 2023**Recommended:**May 4, 2021toMay 2, 2023 | San Luis Coastal Teachers Association, Emily Capallano, President4/29/2021**Neutral**CSEA, Carrie Trujillo, President4/29/2021**Support**Service Employees International UnionSuzanne Castaneda, President4/29/2021**Neutral** | May 4, 2021 | District English Learner Advisory Committee; Parent Leaders(4/29/2021) **No objections** |
| 19-6-2021 | San Mateo-Foster City School District | **Requested:**August 15, 2021toAugust 14, 2023**Recommended:**August 15, 2021toAugust 13, 2023 | San Mateo Elementary Teachers Association,Julie MacArthur, President6/16/2021**Support**CSEA,Alicia Aragon, President6/16/2021**Support** | June 28, 2021 | Nine School Site Councils (6/23/2021)**No objections** |
| 1-5-2021 | Solana Beach Elementary School District | **Requested:**April 1, 2021toMarch 1, 2023**Recommended:**April 1, 2021toMarch 1, 2023 | Solana Beach Teachers Association,Jesse Mitchell, President4/26/2021**Support**Solana Beach Association of Support Professionals,Ali Mirzahossein, President4/26/2021**Support** | April 29, 2021 | Solana's Parent Teacher Association, and Parent Teacher Organization (Solana Pacific Foundation) (4/27/2021)**No objections** |
| 5-6-2021 | West Sonoma County Union High School District | **Requested:**June 9, 2021toJune 6, 2023**Recommended:**June 9, 2021toJune 6, 2023 | West Sonoma California Teacher's Association, Lily Smedshammer, President5/20/2021**Support**CSEA, Paul Pomposo, President5/20/2021**Support** | June 9, 2021 | School Site Councils of all three schools (5/20/2021)**No objections** |

Created by California Department of Education
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# Attachment 2: Azusa Unified School DistrictGeneral Waiver Request 10-6-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964279

Waiver Number: 10-6-2021

Active Year: 2021

Date In: 6/16/2021 5:25:12 PM

Local Education Agency: Azusa Unified

Address: 546 South Citrus Ave.

Azusa, CA 91702

Start: 6/15/2021

End: 6/12/2023

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 5021 and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: Please see Attachment 11.

Outcome Rationale: This waiver is requested to expedite the efforts of the Azusa Unified School District (“District”) to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.)(“CVRA”). By granting this waiver, the District will be able to implement its new “by-trustee area” election system for its November 2022 elections to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

Student Population: 7237

City Type: Suburban

Public Hearing Date: 6/15/2021

Public Hearing Advertised: Newspaper, internet, District office, website, city library posting.

Local Board Approval Date: 6/15/2021

Community Council Reviewed By: DELAC

Community Council Reviewed Date: 5/4/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Arturo Ortega

Position: Superintendent

E-mail: aortega@azusa.org

Telephone: 626-858-6152

Fax:

Bargaining Unit Date: 05/06/2021

Name: Azusa Educators Association

Representative: Megan Savella

Title: Union President

Phone: 626-222-3731

Position: Support

Comments:

Bargaining Unit Date: 05/06/2021

Name: Azusa Federation of Adult Education

Representative: Veronika Delvaux

Title: Union President

Phone: 626-780-6094

Position: Support

Comments:

Bargaining Unit Date: 05/06/2021

Name: California School Employees Association

Representative: Laurie Wray

Title: Union President

Phone: 626-840-2408

Position: Support

Comments:

# Attachment 3:Elk Grove Unified School DistrictGeneral Waiver Request 1-6-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3467314

Waiver Number: 1-6-2021

Active Year: 2021

Date In: 6/2/2021 4:30:28 PM

Local Education Agency: Elk Grove Unified

Address: 9510 Elk Grove-Florin Rd.

Elk Grove, CA 95624

Start: 5/18/2021

End: 5/16/2023

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 2020 and 5030

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Please see Attachment 11.

Outcome Rationale: The District is in the process of adopting a by trustee area election system. To avoid the costs of an election and to ensure timely implementation of a By Trustee Area Election system the district is requesting a waiver of the election requirement.

Student Population: 62981

City Type: Suburban

Public Hearing Date: 5/18/2021

Public Hearing Advertised: The hearing notice was published in two newspapers of general circulation (publication proofs attached), shared with the community, parents and staff in weekly communications and Board agenda postings

Local Board Approval Date: 5/18/2021

Community Council Reviewed By: District English Learner Advisory Committee and District Advisory Committee

Community Council Reviewed Date: 5/20/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Pierce

Position: Deputy Superintendent, Business Services

E-mail: rdpierce@egusd.net

Telephone: 916-793-2620

Fax:

Bargaining Unit Date: 05/20/2021

Name: AFSME

Representative: Diane Campbell

Title: President

Phone: 1-619-818-0491

Position: Neutral

Comments:

Bargaining Unit Date: 05/20/2021

Name: ATU

Representative: Ralph Niz

Title: President

Phone: 1-916-873-3416

Position: Neutral

Comments:

Bargaining Unit Date: 05/20/2021

Name: CSEA

Representative: Kari Ballez

Title: President

Phone: 1-916-508-1334

Position: Neutral

Comments:

Bargaining Unit Date: 05/20/2021

Name: EGEA

Representative: Rick Stancil

Title: President

Phone: 1-209-712-3255

Position: Neutral

Comments:

Bargaining Unit Date: 05/20/2021

Name: EGTEAMS

Representative: Martin Hock

Title: President

Phone: 1-916-215-2612

Position: Neutral

Comments:

Bargaining Unit Date: 05/20/2021

Name: NUHW

Representative: Tara Draper

Title: Organizer

Phone: 1-209-277-0509

Position: Neutral

Comments:

Bargaining Unit Date: 05/20/2021

Name: PSWA

Representative: Antonia Minoletti

Title: President

Phone: 1-916-812-6008

Position: Neutral

Comments:

# Attachment 4:Goleta Union Elementary School DistrictGeneral Waiver Request 12-5-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

Waiver Number: 12-5-2021

Active Year: 2021

Date In: 5/28/2021 4:02:08 PM

Local Education Agency: Goleta Union Elementary

Address: 401 North Fairview Ave.

Goleta, CA 93117

Start: 5/26/2021

End: 5/23/2023

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 5021 and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: Please see Attachment 11.

Outcome Rationale: This waiver is requested to expedite the efforts of the Goleta Union School District (“District”) to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.)(“CVRA”). By granting this waiver, the District will be able to implement its new “by-trustee area” election system for its November 2022 elections to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

Student Population: 3265

City Type: Urban

Public Hearing Date: 5/26/2021

Public Hearing Advertised: Newspaper, internet, and District office

Local Board Approval Date: 5/26/2021

Community Council Reviewed By: DAC Committee

Community Council Reviewed Date: 4/22/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Conrad Tedeschi

Position: Assistant Superintendent, Fiscal Services

E-mail: ctedeschi@goleta.k12.ca.us

Telephone: 805-681-1200 x2205

Fax:

Bargaining Unit Date: 05/04/2021

Name: California School Employees Association (CSEA)

Representative: Norma Aldana

Title: CSEA President

Phone: 805-681-1200

Position: Support

Comments:

Bargaining Unit Date: 05/04/2021

Name: United Teaching Profession of Goleta/CTA/NEA (UTPG

Representative: Sheri Scott

Title: UTPG President

Phone: 805-681-1200

Position: Support

Comments:

# Attachment 5:Lucia Mar Unified School District General Waiver Request 3-5-2021

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

CD Code: 4068759

Waiver Number: 3-5-2021

Active Year: 2021

Date In: 5/7/2021 3:27:20 PM

Local Education Agency: Lucia Mar Unified

Address: 602 Orchard St.

Arroyo Grande, CA 93420

Start: 5/4/2021

End: 5/2/2023

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020, portions of 5019, 5021, 5030

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 11.

Outcome Rationale: The district is in the process of adopting by trustee area elections and seeking a waiver to expedite the process.

Student Population: 10000

City Type: Urban

Public Hearing Date: 5/4/2021

Public Hearing Advertised: News Paper, San Luis Obispo Tribune; posting of notices around the district

Local Board Approval Date: 5/4/2021

Community Council Reviewed By: DLAC (04/19/2021), LCAP/Superintendent Advisory Committee (04/22/2021)

Community Council Reviewed Date: 4/19/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Dr. Paul Fawcett

Position: Superintendent

E-mail: paul.fawcett@lmusd.org

Telephone: 805-474-3000 x1081

Fax:

Bargaining Unit Date: 04/16/2021

Name: Classified School Employees Association, Chp 275

Representative: Sue Studer

Title: CSEA President

Phone: 805-710-1948

Position: Support

Comments:

Bargaining Unit Date: 04/16/2021

Name: Lucia Mar Unified Teachers Association

Representative: Cody King

Title: LMUTA President

Phone: 805-868-0100

Position: Support

Comments:

# Attachment 6:Parlier Unified School DistrictGeneral Waiver Request 17-6-2021

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

CD Code: 1062364

Waiver Number: 17-6-2021

Active Year: 2021

Date In: 6/25/2021 4:02:56 PM

Local Education Agency: Parlier Unified

Address: 900 South Newmark Ave.

Parlier, CA 93648

Start: 9/1/2021

End: 12/31/2022

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: Portions of 5019, 5021, 5030 and all of 5020

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 11.

Outcome Rationale: The Parlier Unified School District desires to have the requested *Education Code* sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

The District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election which will reduce the District’s liability under the CVRA going forward.

Student Population: 3411

City Type: Rural

Public Hearing Date: 6/8/2021

Public Hearing Advertised: It was posted in 3 public places within the District boundaries, it was posted at the District Office, and on our website.

Local Board Approval Date: 6/8/2021

Community Council Reviewed By: School Site Council meetings and DELAC

Community Council Reviewed Date: 5/27/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Dr. Altagracia Guerrero

Position: Superintendent

E-mail: altagracia.guerrero@parlierunified.org

Telephone: 559-646-2731

Bargaining Unit Date: 05/26/2021

Name: CSEA

Representative: Lynda Pumarejo

Title: CSEA President

Phone: 559-646-1660

Position: Support

Bargaining Unit Date: 05/26/2021

Name: Parlier Faculty Association

Representative: Joe Reyes

Title: President

Phone: 559-646-3571

Position: Support

# Attachment 7:San Luis Coastal Unified School DistrictGeneral Waiver Request 15-6-2021

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

CD Code: 4068809

Waiver Number: 15-6-2021

Active Year: 2021

Date In: 6/22/2021 5:55:52 PM

Local Education Agency: San Luis Coastal Unified

Address: 1500 Lizzie St.

San Luis Obispo, CA 93405

Start: 5/4/2021

End: 5/2/2023

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Election of Governing Board

Ed Code Section: 5019, 5020, 5021, 5030

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 11.

Outcome Rationale: Approval of the waiver request will eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the San Luis Coastal USD. Voters in the district will continue to elect all board members—however, if the waiver request is approved, board members will be elected by trustee areas beginning with the next governing board election that occurs at least 120 days after County Committee approval of the election method. County Committees have the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to *EC* Section 5020, County Committee approval of trustee areas and election methods constitutes an order of election—thus, voters in the districts have the final approval. Many districts in California are facing existing or potential litigation under the CVRA because of their at-large election methods. To address such litigation, the San Luis Coastal USD is taking actions to establish trustee areas and adopt a by-trustee-area election method. In order to establish the trustee areas and the method of election as expeditiously as possible, the district requests that the SBE waive the requirement that the trustee areas and the election method be approved at a districtwide election. If the SBE approves the waiver request, a by-trustee-area election method can be adopted in the district upon review and approval of the County Committee without a subsequent local election to approve the change.

Student Population: 7760

City Type: Small

Public Hearing Date: 5/4/2021

Public Hearing Advertised: General Circulation Newspaper, Website, District Communication System

Local Board Approval Date: 5/4/2021

Community Council Reviewed By: SLCTA, SEIU, CSEA, Parent Leaders, DELAC, Principals

Community Council Reviewed Date: 4/29/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Dr. Eric Prater

Position: Superintendent

E-mail: eprater@slcusd.org

Telephone: 805-549-1334

Fax: 805-549-9074

Bargaining Unit Date: 04/29/2021

Name: CSEA

Representative: Carrie Trujillo

Title: President

Phone: 805-534-2835

Position: Support

Comments:

Bargaining Unit Date: 04/29/2021

Name: San Luis Coastal Teachers Association

Representative: Emily Cappellano

Title: SLCTA President

Phone: 805-541-1511

Position: Neutral

Comments:

Bargaining Unit Date: 04/29/2021

Name: SEIU

Representative: Suzanne Castaneda

Title: President

Phone: 805-596-4064

Position: Neutral

Comments:

# Attachment 8:San Mateo-Foster City School DistrictGeneral Waiver Request 19-6-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4169039

Waiver Number: 19-6-2021

Active Year: 2021

Date In: 6/29/2021 11:23:28 AM

Local Education Agency: San Mateo-Foster City

Address: 1170 Chess Dr.

Foster City, CA 94404

Start: 8/15/2021

End: 8/14/2023

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020, portions of 5019, 5021, and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 11.

Outcome Rationale: On June 10, 2021, the District’s Governing Board voted to approve and adopt a resolution showing the Board’s intent to transition from an “At-Large” election system to a “By-Trustee Area” election system for the November 2022 elections. This was done, in part, to prevent future costly litigation which could have an impact on the District’s efforts to serve its students.

Student Population: 11057

City Type: Urban

Public Hearing Date: 6/28/2021

Public Hearing Advertised: Notice of Public Hearing was published in the San Mateo Daily Journal and on the District website and Facebook page.

Local Board Approval Date: 6/28/2021

Community Council Reviewed By: Please see attached Declaration of Superintendent Joan Rosas for site council list.

Community Council Reviewed Date: 6/23/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Patrick Gaffney

Position: Chief Business Official

E-mail: pgaffney@smfc.k12.ca.us

Telephone: 650-312-7269

Fax:

Bargaining Unit Date: 06/16/2021

Name: CSEA

Representative: Alicia Aragon

Title: President of CSEA

Phone: aaragon@smfc.k12.ca.us

Position: Support

Comments:

Bargaining Unit Date: 06/16/2021

Name: SMETA (Teachers Association)

Representative: Julie MacArthur

Title: President SMETA

Phone: smetapresident1@gmail.com

Position: Support

Comments:

# Attachment 9:Solana Beach Elementary School DistrictGeneral Waiver Request 1-5-2021

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

CD Code: 3768387

Waiver Number: 1-5-2021

Active Year: 2021

Date In: 5/3/2021 12:34:45 PM

Local Education Agency: Solana Beach Elementary

Address: 309 North Rios Ave.

Solana Beach, CA 92075

Start: 4/1/2021

End: 3/1/2023

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5019, 5020, 5021, and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 11.

Outcome Rationale: The Solana Beach School District desires to have the requested *Education Code* sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

The District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to litigation in which the District would be exposed to potentially significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November 2022 which will reduce the District’s liability under the CVRA going forward.

Student Population: 2966

City Type: Urban

Public Hearing Date: 4/29/2021

Public Hearing Advertised: Notice was posted at the District Office, at each school site, at the City hall, on the District’s website; and sent to Casa de Amistad, 2 public libraries, and 2 Boys and Girls Club branches.

Local Board Approval Date: 4/29/2021

Community Council Reviewed By: Solana's Parent Teacher Association, and Parent Teacher Organization (Solana Pacific Foundation)

Community Council Reviewed Date: 4/27/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Kristie Towne

Position: Executive Assistant to the Superintendent/Public I

E-mail: kristietowne@sbsd.net

Telephone: 858-794-7104

Bargaining Unit Date: 04/26/2021

Name: Solana Beach Association of Support Professionals

Representative: Ali Mirzahossein

Title: President

Phone: (858) 794-7104

Position: Support

Bargaining Unit Date: 04/26/2021

Name: Solana Beach Teachers Association

Representative: Jesse Mitchell

Title: President

Phone: (858) 794-7104

Position: Support

# Attachment 10:West Sonoma County Union High School DistrictGeneral Waiver Request 5-6-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4970607

Waiver Number: 5-6-2021

Active Year: 2021

Date In: 6/13/2021 2:36:09 PM

Local Education Agency: West Sonoma County Union High

Address: 462 Johnson St.

Sebastopol, CA 95472

Start: 6/9/2021

End: 6/6/2023

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 5021 and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: Please see Attachment 11.

Outcome Rationale: This waiver is requested to expedite the efforts of the West Sonoma County Union High School District (“District”) to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.)(“CVRA”). By granting this waiver, the District will be able to implement its new “by-trustee area” election system for its November 2022 elections to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

Student Population: 1750

City Type: Small

Public Hearing Date: 6/9/2021

Public Hearing Advertised: Newspaper, internet, and District office

Local Board Approval Date: 6/9/2021

Community Council Reviewed By: School site councils of all 3 schools

Community Council Reviewed Date: 5/20/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Toni Beal

Position: Superintendent

E-mail: tbeal@wscuhsd.org

Telephone: 707-824-6412

Fax:

Bargaining Unit Date: 05/20/2021

Name: California School Employees Association

Representative: Paul Pomposo

Title: President

Phone: 707-824-2300

Position: Support

Comments:

Bargaining Unit Date: 05/20/2021

Name: West Sonoma California Teacher's Association

Representative: Lily Smedshammer

Title: President

Phone: 707-824-2300

Position: Support

Comments: N/a

# Attachment 11:California *Education Code* SectionsProposed for Waiver

Request to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish by-trustee-area method of election. Language proposed to be waived is bracketed and in italics below:

## § 5019.

**Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing**

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) **[***the rearrangement of* **]**the boundaries of trustee areas for a particular district, then the **[***rearrangement of the* **]**trustee areas shall be effectuated for the next district election occurring at least 120 days after **[***its* **]**approval**[***, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters***]**.

##  *§ 5020.*

***Presentation of proposal to electors***

*[(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.*

*(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.*

*(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.*

*(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.*

*(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:*

*"For the establishment (or abolition or rearrangement) of trustee areas in \_\_\_\_ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in \_\_\_\_ (insert name) School District--No."*

*"For increasing the number of members of the governing board of \_\_\_\_ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of \_\_\_\_ (insert name) School District from five to seven--No."*

*"For decreasing the number of members of the governing board of \_\_\_\_ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of \_\_\_\_ (insert name) School District from seven to five--No."*

*"For the election of each member of the governing board of the \_\_\_\_ (insert name) School District by the registered voters of the entire \_\_\_\_ (insert name) School District--Yes" and "For the election of each member of the governing board of the \_\_\_\_ (insert name) School District by the registered voters of the entire \_\_\_\_ (insert name) School District--No."*

*"For the election of one member of the governing board of the \_\_\_\_ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the \_\_\_\_ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."*

*"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the \_\_\_\_ (insert name) School District residing in each trustee area elected by the registered voters of the entire \_\_\_\_ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the \_\_\_\_ (insert name) School District residing in each trustee area elected by the registered voters of the entire \_\_\_\_ (insert name) School District--No."*

*"For the establishment (or abolition) of a common governing board in the \_\_\_\_ (insert name) School District and the \_\_\_\_ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the \_\_\_\_ (insert name) School District and the \_\_\_\_ (insert name) School District--No."*

*If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective*.**]**

## § 5021.

**Incumbents to serve out terms despite approval of change**

(a) If a proposal for the establishment of trustee areas formulated under Section**[***s***]** 5019 **[***and 5020* **]**is approved**[** *by a majority of the voters voting at the election***]**, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established **[***at such election* **]**which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by**[** *a majority of the voters voting on the measure, or by***]** the county committee on school district organization**[** *when no election is required***]**, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved**[** *by a majority of the voters voting at the election***]**, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

## § 5030.

**Alternate method of election**

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section**[***s***]** 5019**[** *and 5020, respectively***]**, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

**[***In counties with a population of less than 25,000,* **]**the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.