

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

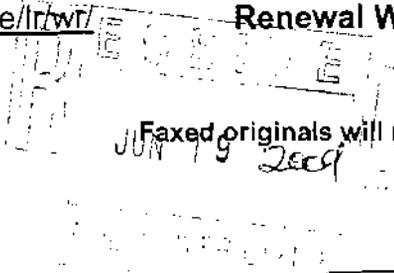
GW-1 (Rev. 4-24-09)  
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<http://www.cde.ca.gov/re/lr/twr/>

First Time Waiver:  **X**  
Renewal Waiver:

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy and back-up material to:  
[waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)



CD CODE				

Local educational agency: Santa Clara County Office of Education		Contact name and recipient of approval/denial notice: Suzanne Carrig		Contact person's e-mail address: suzanne_carrig@sccoe.org
Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary): (408) 453-6869
1290 Ridder Park Dr.	San Jose,	CA	95131	Fax Number: (408) 453-6525
Period of request: (month/day/year) From: 6/03/09 To: <del>6-03-10</del> 7/01/10 <i>JS</i>		Local board approval date: (Required) 6/03/09		Date of public hearing: (Required) 6/03/09

**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 35709 Circle One: EC or CCR  
Topic of the waiver: Conditions for election of locally approved territory transfer.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: \_\_\_\_\_ and date of SBE Approval \_\_\_\_\_

3. Collective bargaining unit information. Does the district have any employee bargaining units? \_\_\_ No  Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 5/28/09, 6/1/09, and 6/3/09

Name of bargaining unit and representative(s) consulted:

- Campbell Union School District CTA – Lisa Vieler (5/28/09)
- San Jose Teachers Association (San Jose Unified School District) – Janice Allen (6/1/09)
- Blossom Ridge Teachers Association (Campbell Union High School District) – Vincent Nicoletta (6/3/09)

The position(s) of the bargaining unit(s): \_\_\_ Neutral  Support \_\_\_ Oppose (Please specify why)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

\_\_\_ Notice in a newspaper \_\_\_ Notice posted at each school  Other: (Please specify) Posted on COE web page and sent to districts (attachment 1)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
Santa Clara County Committee on School District Organization

Date the committee/council reviewed the waiver request: 5/20/09

Were there any objection(s)? No  Yes \_\_\_ (If there were objections please specify)

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6. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived).

**35709.** If the following conditions are met, the county committee may approve the petition and order that the petition be granted, and shall so notify the county board of supervisors:

- (a) The county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive of subdivision (a) of Section 35753 are substantially met, and:
- (b) Either (1) The petition is to transfer uninhabited territory from one district to another and the owner of the territory, or a majority of the owners of the territory, and the governing boards of all school districts involved in the transfer consent to the transfer; or (2) The petition is to transfer inhabited territory of less than 10 percent of the assessed valuation of the district from which the territory is being transferred, ~~and all of the governing boards have consented to the transfer.~~

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The desired outcome of the waiver is to avoid the cost of an election that has an anticipated outcome of approval by the voters (cost breakdown attachment 2). Homeowners in the area of election have indicated in a letter (attachment 3) that they will vote to approve the transfer; additionally, the San Jose Unified School District, the receiving district, has approved an interdistrict transfer agreement for the one public school student residing in the territory so that he can attend school in San Jose Unified for the 2009-2010 school year. With this transfer agreement and the understanding that the homeowners would approve the transfer if it were brought to an election, the County Office of Education feels it would be prudent in these financial times to forego the election. Each affected district has provided written comments supporting the waiver proposal (attachment 4).

8. Demographic Information:  
For this waiver, San Jose Unified School District has a student population of 31,934 and is located in an urban setting in Santa Clara County.

9. For a renewal waiver only, district also must certify:

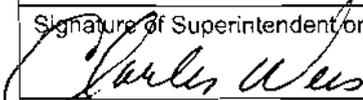
True	False	
—	—	The facts that precipitated the original waiver request have not changed.
—	—	The remedy for the problem has not changed.
—	—	Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it.

Renewals of General Waivers must be submitted two months before the active waiver expires. The local governing board must approve the renewal request. Retroactive waivers must go through the First Time Waiver Process.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No  Yes   
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No  Yes   
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: 	Title: <i>County Superintendent</i>	Date: <i>6/8/09</i>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Larry Shirey	Staff Signature: <i>Larry Shirey</i>	Date: 7/16/09
Unit Manager (type or print): Cindy Mude	Unit Manager Signature: <i>Cindy Mude</i>	Date: 7/16/09
Division Director (type or print): SCOTT HANWORTH	Division Director Signature: <i>Scott Hanworth</i>	Date: 7/24/09
Deputy (type or print):	Deputy Signature: <i>Susie Lange</i>	Date: 7/29/09

# NOTICE OF PUBLIC HEARING

ON:

## WAIVER REQUEST FOR ELECTION OF TERRITORY TRANSFER

The Santa Clara County Board of Education will conduct a public hearing to obtain public response to a waiver request being submitted to the California State Board of Education regarding an election for a transfer of territory.

### BACKGROUND

On December 16, 2008 the County Committee approved a transfer of 13 parcels from Campbell Union and Campbell Union High School Districts to San Jose Unified School District. Per Education Code section 35709, the County Committee approval of a transfer of inhabited territory that does not have the consent of the affected districts constitutes an order of election. Because the area of election as determined by the County Committee consists of the same 13 parcels approved for transfer the result of the election is anticipated to be approval of the transfer.

### ACTION

The Santa Clara County Board of Education has been asked by the County Committee secretary to make a request to the State Board of Education to waive language from Education Code section 35709 in order that the election will not be needed (please see attached document for the specific language to be waived). The Santa Clara Board of Education must take action to approve the request.

**Public hearing will be held at the following location and time:**

**Wednesday, June 3, 2009            5:00 p.m.**  
**Santa Clara County Office of Education**  
**Board Room**  
**1290 Ridder Park Drive**  
**San Jose 95131**

For more information regarding the waiver and public hearing,  
contact Suzanne Carrig at (408) 453-6869.

**SANTA CLARA COUNTY REGISTRAR OF VOTERS  
ESTIMATED COSTS OF ELECTION  
FOR REDISTRICTING IN CAMPBELL SCHOOL DISTRICT  
(c/o Suzanne Carrig, (408) 453-6869 [suzanne\\_carrig@sccoe.org](mailto:suzanne_carrig@sccoe.org))**

**DATA**

Estimated number of voters 21

**COMPUTATION**

	UDEL	
	<u>Unit Cost</u>	<u>Total Cost</u>
(a) Base charge - minimum	\$	10,000
(b) Estimated Cost of Proposition Pages for Bond Measure	\$	<u>13,299</u>
Total Estimated costs of election and sample ballots/prop pages	\$	<u><u>23,299</u></u>

**THIS IS ESTIMATE ONLY. SUBJECT TO CHANGE WITHOUT NOTICE.  
ACTUAL COSTS WILL BE AVAILABLE 60 DAYS AFTER ELECTION.**

Prepared by: Carol R. Gomez  
Accountant III  
(408) 282-3012  
[carol.gomez@rov.sccgov.org](mailto:carol.gomez@rov.sccgov.org)

Dear Neighbors:

Feb 6, 2009

Thanks you for signing the petition last summer in regards to transferring the 13 single family home parcels on McDaniel Ave from the Campbell School district to the San Jose School district.

In December, 2008, the Santa Clara County Board of Education approved the transfer in a vote by elected officials. Standard procedure in a transfer of parcels is to have a follow up election by the registered voters in the involved parcels.

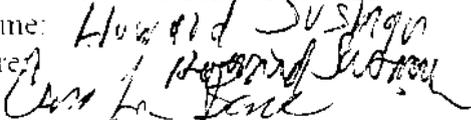
A request by the Senior Research Analyst at the Santa Clara County Board of Education is to wave the election territory transfer immediately. This will save unnecessary costs in a formalized election in June 2009.

By signing below, this will facilitate the transfer of the 13 parcels on McDaniel Ave in to the San Jose School District.

Thank you.

Robert and Vardin Collins

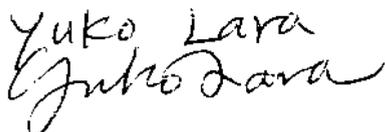
2009 McDaniel Ave, San Jose 95128 APN 274-40-026

Print name: Howard Sussman  
Signature: 

2019 McDaniel Ave, San Jose 95128 APN 274-40-027

Print name: Robert Collins  
Signature: 

2025 McDaniel Ave, San Jose 95128 APN 274-40-028

Print name: Yuko Lara  
Signature: 

2029 McDaniel Ave, San Jose 95128 APN 274-40-029  
Print name: MARGARET ACOSTA  
Signature: MARGARET ACOSTA

2035 McDaniel Ave, San Jose 95128 APN 274-40-030  
Print name: PATRICK P. CALOMBO  
Signature: Patrick P. Calombo

2039 McDaniel Ave, San Jose 95128 APN 274-40-031  
Print name: JESSE LEWIS  
Signature: Jesse Lewis

2045 McDaniel Ave, San Jose 95128 APN 274-40-032  
Print name: H.P. TYNER & CANDY  
Signature: H.P. Tyner

2051 McDaniel Ave, San Jose 95128 APN 274-40-033  
Print name: GUY TURNER  
Signature: Guy Turner

2057 McDaniel Ave, San Jose 95128 APN 274-40-034  
Print name: RUSE CORONATO  
Signature: Ruse Coronato

2065 McDaniel Ave, San Jose 95128 APN 274-40-035  
Print name:  
Signature:

2069 McDaniel Ave, San Jose 95128 APN 274-40-036  
Print name:  
Signature:

2075 McDaniel Ave, San Jose 95128 APN 274-40-037  
Print name: STANLEY FONG  
Signature: Stanley Fong

2081 McDaniel Ave, San Jose 95128 APN 274-40-038  
Print name: JEAN M. DOYLE  
Signature: Jean M. Doyle



# CAMPBELL UNION SCHOOL DISTRICT

EDUCATION BEYOND THE EXPECTED

March 25, 2009

155 North Third Street  
Campbell  
California  
95008-2086  
Ph.: (408)364-4200  
Fax: (408)341-7280

Dr. Charles Weis, County Superintendent of Schools  
Santa Clara County Office of Education  
1290 Ridder Park Drive  
San Jose, CA 95131

Dear Dr. Weis:

This letter is in regards to the December 16, 2008 County Committee approval to transfer 13 parcels from Campbell Union and Campbell Union High School Districts to San Jose Unified School District. As determined in Education Code section 35710, the county committee approval of a transfer of inhabited territory that does not have the consent of the affected districts constitutes an order of election. However, the area of election consists of the same 13 parcels in which reside the petitioners who requested the transfer; the results of the election are anticipated to be approval of the transfer. In light of the likely election outcome and in the effort to save costs the Campbell Union School District supports the Santa Clara County Board of Education's waiver of the election.

Sincerely,

Johanna VanderMolen, Ed.D.  
Superintendent

Website:  
<http://www.campbellcsd.org>

Governing Board Members:

Daniel M.S. Cohen

Scott Kleinberg

Jouglas Moe

Leah K. Read

Juliet Tiffany-Moreas

Governing Board Phone No.  
(408)341-7251

Superintendent  
Johanna VanderMolen, Ed.D.  
(408)341-7211

Rhonda E. Farber, Ph.D.  
Superintendent



# Campbell Union High School L

Trustees  
Rick Costanzo  
Matthew T. Dean  
Diane T. Gordon  
Pamela J. Parker  
Royce L. Peterson

National Blue Ribbon School:  
Westmont High School  
California Distinguished Schools:  
Branham High School  
Del Mar High School  
Leigh High School  
Prospect High School  
Westmont High School

February 2, 2009

Dr. Charles Weis, County Superintendent of Schools  
Santa Clara County Office of Education  
1290 Ridder Park Drive  
San Jose, CA 95131

Dear Dr. Weis:

This letter is in regards to the December 16, 2008, County Committee approval to transfer 13 parcels from Campbell Union and Campbell Union High School Districts to San Jose Unified School District. As determined in Education Code section 35710, the county committee approval of a transfer of inhabited territory that does not have the consent of the affected districts constitutes an order of election. However, the area of election consists of the same 13 parcels in which reside the petitioners who requested the transfer; the results of the election are anticipated to be approval of the transfer. In light of the likely election outcome and in the effort to save costs, the Campbell Union High School District supports the Santa Clara County Board of Education's waiver of the election.

Sincerely,

Rhonda E. Farber, Ph.D.  
Superintendent

Supt.'s Office

FEB 03 2008

**RECEIVED**