

California Department of Education
Executive Office
SBE-005 (REV. 10/2017)
General Waiver

# California State Board of Education January 2018 AgendaItem #W-09

## Subject

Request by the **Oxnard Unified School District** to waive California *Education Code* Section 15282(a), relating to term limits for a member of its Citizens’ Oversight Committee for all construction bonds in the district.

## Waiver Number

1-11-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Oxnard Unified School District (USD) is requesting a waiver of *Education Code* (*EC*) Section 15282(a) to allow the District to have a member of the Citizens’ Oversight Committee (COC) continue for an additional two-year term.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request from the Oxnard USD to waive *EC* Section 15282 to allow the district to have member Mrs. Jessica Vargas of the Citizens’ Oversight Committee (COC) continue for an additional two-year term.

## Summary of Key Issues

Under the provisions of *EC* sections 33050 through 33053, the Oxnard USD is requesting that specific language of *EC* Section 15282(a) relating to term limits for a member of its COC be waived. The purpose of the COC is to inform the public concerning the expenditure of bond revenues. The COC reviews and reports on the proper expenditure of taxpayers’ money for school construction. The COC holds public meetings and advises the public as to whether the district is in compliance with all of the statutory requirements of the bond and school construction projects.

With the passage of Assembly Bill 1199 (Chapter 73, Statutes of 2012), members of a local bond citizens’ oversight committee may now serve three consecutive two-year terms.

The Measure R Bond Oversight Committee (BOC) is the citizens’ oversight body for $90 million in General Obligation Bonds for Oxnard USD. Without this waiver, one of the members, Mrs. Jessica Vargas, will be termed out effective February 28, 2018. Approval of this waiver will allow the District to benefit from the outstanding expertise and contribution of this member during the next phases of the building program, help preserve continuity, and enable this experienced member to continue to provide advice and guidance to the BOC and to the District.

**Demographic Information:** The Oxnard USD has a student population of 16,600 and is located in a suburban area of Ventura 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 all previous waivers regarding Citizens’ Oversight Committees. The district is requesting to waive the same provision of the term limits for a member of its Citizens’ Oversight Committee.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval or denial.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Oxnard Unified School District General Waiver Request 1-11-2017 (2 pages). (Original waiver request is signed and on file in the Waiver office.

# Attachment 1: Summary Table

| Waiver Number | School District | Period of Request | Local Board Approval Date | Public Hearing Date | Bargaining Unit Consulted – Date | Position of Bargaining Unit | Advisory Committee Consulted |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1-11-2017 | Oxnard USD | **Requested:** 3/1/2018 to 2/28/2020**Recommended:** 3/1/2018 to 2/28/2020 | 10/18/2017 | 10/18/2017 | CSEA10/2/2017Ilene Poland, PresidentOxnard Educators Association (OEA) 10/2/2017Robin Lekfovits PresidentOxnard Support Services Association (OSSA) 10/2/2017Brenda Muth, President | CSEA: **Support**OEA: **Support**OSSA: **Support** | Measure R Bond Oversight Committee9/11/2017**No objections** |

Created by the California Department of Education
November 6, 2017

# Attachment 2: Oxnard Unified School District General Waiver Request

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

CD Code: 5672538
Waiver Number: 1-11-2017
Active Year: 2017

Date In: 11/1/2017 11:32:06 AM

Local Education Agency: Oxnard Unified School District
Address: 1051 South A St. Oxnard, CA 93030

Start: 3/1/2018
End: 2/28/2020

Waiver Renewal: No
Previous Waiver Number: None
Previous SBE Approval Date: N/A

Waiver Topic: School Construction Bonds
Ed Code Title: Citizens Oversight Comittee - Term Limits
Ed Code Section: 15282
Ed Code Authority: 33050

Ed Code or CCR to Waive: 15282(1) The Citizens' Oversight Committee shall consist of at least seven members to serve for a term of two years without compensation [and for no more than three consecutive terms].

Outcome Rationale: The Measure R Bond Oversight Committee (BOC) is the citizens' oversight body for $90 Million in General Obligation Bonds for Oxnard School District. Without this waiver, one of the members, Mrs. Jessica Vargas, will be termed out effective February 28, 2018. Approval of this waiver will allow the district to benefit from the outstanding expertise and contribution of this member during the next phases of the building program, help preserve continuity, and enable this experienced member to continue to provide advice and guidance to the BOC and to the district. Additionally, it has proven a challenge in the past to find members that are willing to make this commitment. The current group has been a good "fit". Mrs. Vargas has been consistent in her attendance and involvement with the committee, and has expressed her willingness to continue to serve through the completion of the project.

Student Population: 16600

City Type: Suburban

Public Hearing Date: 10/18/2017
Public Hearing Advertised: Notice posted in the local newspaper, at each school site, and at the district office.

Local Board Approval Date: 10/18/2017

Community Council Reviewed By: Measure R BOC
Community Council Reviewed Date: 9/11/2017
Community Council Objection: No
Community Council Objection Explanation: None
Audit Penalty: No

Categorical Program Monitoring: No

Submitted by: Ms. Janet Penanhoat
Position: Assistant Superintendent, Business & Fiscal Svces.
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Fax: None

Bargaining Unit Date: 10/02/2017
Name: California School Employees Association (CSEA)
Representative: Ilene Poland
Title: President
Position: Neutral
Comments: None

Bargaining Unit Date: 10/02/2017
Name: Oxnard Educators Association (OEA)
Representative: Robin Lefkovits
Title: President
Position: Support
Comments: None

Bargaining Unit Date: 10/02/2017
Name: Oxnard Supportive Services Association (OSSA)
Representative: Brenda Muth
Title: President
Position: Support
Comments: None