

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 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 School District (OSD) 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 School District 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 OSD 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 OSD. 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 OSD 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 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 School District | **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 School District General Waiver Request 1-11-2017

**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 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: *(None)*

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:

Audit Penalty YN: No

Categorical Program Monitoring: No

Submitted by: Ms. Janet Penanhoat

Position: Assistant Superintendent, Business & Fiscal Svces.

E-mail: jpenanhoat@oxnardsd.org

Telephone: 805-385-1501 x2401

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)*