

California Department of Education
Executive Office
SBE-005 (REV. 11/2017)
General Waiver

# California State Board of Education January 2018 AgendaItem #W-12

## Subject

Request by **Dunsmuir Elementary School District** to waive California *Education Code* Section 5020 that requires a districtwide election to reduce the number of governing board members from five to three.

## Waiver Number

11-9-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

Pursuant to California *Education Code* (*EC*) sections 5019 and 5020, a school district may reduce the size of its governing board from five to three members if the reduction is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election. The Dunsmuir Elementary School District (ESD), in Siskiyou County, is a small school district (90 students) with a five-member board. The district historically has had difficulty finding candidates for the five board seats and proposed reducing the number of members to three. The Siskiyou County Superintendent of Schools (County Superintendent) supports this proposal and the Siskiyou County Committee already has approved it.

To expedite this reduction and to reduce costs, the Dunsmuir ESD requests that the California State Board of Education (SBE) waive the requirement that the reduction be approved at a districtwide election.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

Approval of this waiver request would eliminate the election requirement for approval of the reduction in the number of members (from five to three) on the Dunsmuir ESD governing board. The County Superintendent supports this request and the Siskiyou County Committee approved the reduction on June 21, 2017. County Committee approval constitutes an order of election, pursuant to *EC* Section 5020, unless this waiver is approved.

The Dunsmuir ESD is a small, single school, rural community that has had ongoing difficulties maintaining a five-member board. There currently are two vacant seats on the board that the district has been unable to fill for almost a year.[[1]](#footnote-1)

Subdivision (c) of *EC* Section 35012 requires that an elementary school district with an average daily attendance of less than 300 have a three-member board—however, the board of any such district may take action to increase its size to five members without approval by the district’s electorate (*EC* Section 5018). There is no corresponding statute to allow the governing board to return to three members without an election. SBE approval of the Dunsmuir ESD waiver request will allow the district to return to a three-member governing board with the review and approval of the County Committee.

The CDE has reviewed the waiver request and has determined that there was no significant opposition to the waiver at the public hearing held by the governing board. The CDE also has determined that none of the findings specified in *EC* Section 33051, which authorize denial of a waiver, exist. Thus, the CDE recommends the SBE approve the request by the Dunsmuir ESD to waive *EC* Section 5020, which requires a districtwide election to approve a reduction in the size of the governing board.

**Demographic Information:** The Dunsmuir ESD has a student population of 90 and is located in a rural area in Siskiyou 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 similar waiver requests—most recently for the Allensworth ESD in Tulare County at the May 2016 SBE meeting.

## 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 an additional cost to the Dunsmuir ESD for a districtwide election.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Dunsmuir Elementary School District General Waiver Request 11-9-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 5020

| Waiver Number | District | Period of Request | Bargaining Unit Representatives Consulted, Date and Position | Public Hearing and Board Approval Date | Public Hearing Advertisement | SSC/Advisory Committee Position |
| --- | --- | --- | --- | --- | --- | --- |
| 11-9-2017 | Dunsmuir Elementary School District | **Requested:** June 22, 2017 to December 31, 2018**Recommended:** June 22, 2017 to December 31, 2018 | Dunsmuir Elementary Teachers Association, Susan Keeler, President, 1/27/2017, **Support**The district has no bargaining unit for classified staff. | 5/16/2017 | The public hearing notice was posted in the Mt. Shasta newspaper and at the Dunsmuir Elementary School, Dunsmuir Joint Unified High School, and Dunsmuir Library. | Reviewed by the Dunsmuir Elementary School Site Council 2/2/2017**No objections** |

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# Attachment 2: Dunsmuir Elementary School District General Waiver Request

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

CD Code: 4770243
Waiver Number: 11-9-2017
Active Year: 2017

Date In: 9/20/2017 10:53:18 AM

Local Education Agency: Dunsmuir Elementary School District
Address: 4760 Siskiyou Ave. Dunsmuir, CA 96025

Start: 6/22/2017
End: 12/31/2018

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

Waiver Topic: Other Waivers
Ed Code Title: Other Waivers
Ed Code Section: EC 5020 (a) through EC 5020 (e)
Ed Code Authority: EC 33050

Ed Code or CCR to Waive: See attachment "EC 5020" Waive all of Ed Code Section 5020.

Outcome Rationale: Please see attachment "DES SBE Waiver""

Student Population: 90

City Type: Rural

Public Hearing Date: 5/16/2017
Public Hearing Advertised: Notice was a\posted at Dunsmuir Elementary School, Dunsmuir Joint Unified High School, Dunsmuir Post Office, Dunsmuir City Library & the notice was sent to Mt Shasta Newspaper

Local Board Approval Date: 5/16/2017

Community Council Reviewed By: Dunsmuir Elementary School Site Council
Community Council Reviewed Date: 2/2/2017
Community Council Objection: No
Community Council Objection Explanation: None

Audit Penalty: No

Categorical Program Monitoring: No
Submitted by: Ms. Helen Herd
Position: Superintendent/Principal
E-mail: hherd@sisnet.ssku.k12.ca.us
Telephone: 530-235-4828 x201
Fax: 530-235-0145

Bargaining Unit Date: 01/27/2017
Name: Dunsmuir Elementary Teachers Association
Representative: Susan Keeler
Title: President
Position: Support
Comments: None

1. Only two candidates filed for the three seats on the November 2016 ballot and another member, whose term expires in 2018, resigned. [↑](#footnote-ref-1)