

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2018 Agenda Item #W-12

## Subject

Request by **Vista del Mar Union 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

10-5-2018

## 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 Vista del Mar Union School District (SD), in Santa Barbara County, is a small elementary school district (72 students) with a five-member board. The district has had difficulty finding candidates for two current vacancies on the board and is seeking to reduce the number of members to three.To expedite this reduction and to reduce costs, the Vista del Mar Union SD requests that the California State Board of Education (SBE) waive the requirement that the reduction be approved at a districtwide election, thus allowing the reduction to go into effect upon approval by the County Committee.

## 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 Vista del Mar Union SD governing board. The district has a single elementary school within a rural community and has had ongoing difficulties maintaining a five-member board.[[1]](#footnote-1) Currently there are two vacant seats on the board for which the district has been unable to attract candidates to fill.[[2]](#footnote-2)

The County Committee initiated the process to reduce the size of the Vista del Mar Union SD governing board on May 15, 2018,[[3]](#footnote-3) and is expected to give final approval to the reduction in June 2018. County Committee approval would constitute an order of election pursuant to *EC* Section 5020. If the SBE approves the district’s request, this election no longer will be required and the reduction in board size will be effective for the next regular election of the governing board in November 2018. The reduction in the size of the governing board will not eliminate any existing legal rights of currently seated board members.

The Santa Barbara County Superintendent of Schools supports the County Committee’s action and the district’s waiver request.

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 Vista del Mar Union SD to waive *EC* Section 5020, which requires a districtwide election to approve a reduction in the size of the governing board.

**Demographic Information:** The Vista del Mar Union SD has a student population of 72 and is located in a rural area in Santa Barbara 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 at the January 2018 SBE meeting for the Dunsmuir Elementary SD in Siskiyou County.

## Fiscal Analysis (as appropriate)

Approval of the waiver request will have no negative fiscal effects on any local or state agency. Failure to approve the request will result in additional costs to the Vista del Mar Union SD for a districtwide election.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Vista del Mar Union School District General Waiver Request 10-5-2018 (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** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 10-5-2018 | Vista del Mar Union School District | **Requested:**  May 31, 2018  to  December 31, 2018  **Recommended:**  May 31, 2018  to  December 31, 2018 | Vista del Mar Faculty Association,  Bruce Robertson  Teacher  April 19, 2018  **Support**  All district staff are represented by the above bargaining unit. | May 14, 2018 | Reviewed by the District Advisory Committee  April 17, 2018  **No objections** |

Created by California Department of Education  
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# Attachment 2: Vista del Mar Union School District General Waiver Request 10-5-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4269344

Waiver Number: 10-5-2018

Active Year: 2018

Date In: 5/15/2018 1:54:24 PM

Local Education Agency: Vista del Mar Union School District

Address: 9467 San Julian Rd.

Gaviota, CA 93117

Start: 5/31/2018

End: 12/31/2018

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Size of Governing Board

Ed Code Section: 5020

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: All of Code Section 5020.

Outcome Rationale: Currently, we have two trustee openings. One term ends in November of this year and the other in November of 2020. We have repeatedly advertised to fill the openings and actively recruited current in-district parents to no avail. Due to the rural community that we serve, this has been an ongoing problem.

Student Population: 72

City Type: Rural

Public Hearing Date: 5/14/2018

Public Hearing Advertised: An announcement was posted in three well-traveled areas of our one-school/district office AND we posted the public hearing announcement on to our school's/district's website.

Local Board Approval Date: 5/14/2018

Community Council Reviewed By: District Advisory Committee

Community Council Reviewed Date: 4/17/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Emilio Handall

Position: Superintendent/Principal

E-mail: [ehandall@vistadelmarunion.com](mailto:ehandall@vistadelmarunion.com)

Telephone: 805-686-1880

Bargaining Unit Date: 04/19/2018

Name: Vista del Mar Faculty Association/CTA/NEA

Representative: Bruce Robertson

Title: Teacher

Position: Support

1. *EC* Section 35012 requires an elementary school district that is not a union school district to have a three-member board if its average daily attendance is under 300. The Vista del Mar Union SD is a union district, thus it may have a five-member board even though the district’s enrollment is well below 300. [↑](#footnote-ref-1)
2. The term for one of the vacant seats expires in 2018 and the term for the second vacant seat expires in 2020. [↑](#footnote-ref-2)
3. *EC* Section 5019(c)(1) provides that the County Committee may initiate a proposal to reduce the size of the governing board of a school district within the county. [↑](#footnote-ref-3)