

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education May 2018 Agenda Item #W-07

## Subject

Request by thirteen local educational agencies to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

## Waiver Number

* Apple Valley Unified School District 21-2-2018
* Barstow Unified School District 17-1-2018
* Central Elementary School District 5-2-2018
* Chaffey Joint Union High School District 12-2-2018
* Hesperia Unified School District 2-3-2018
* Inglewood Unified School District 26-2-2018
* Irvine Unified School District 18-3-2018
* Lowell Joint School District 15-2-2018
* Morongo Unified School District 9-3-2018
* Santa Rosa City Schools 38-3-2018
* Ventura Unified School District 22-1-2018
* Victor Elementary School District 21-1-2018
* Victor Valley Union High School District 42-3-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

School districts that elect board members at-large face existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the California *Education Code* (*EC*), a district can change from at-large elections to by-trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Apple Valley Unified School District (USD), the Barstow USD, the Central Elementary School District (ESD), the Chaffey Joint Union High School District (JUHSD), the Hesperia USD, the Inglewood USD, the Irvine USD, the Lowell Joint School District (JSD), the Morongo USD, the Santa Rosa City Schools, the Ventura USD, the Victor ESD, and the Victor Valley Union High School District (UHSD) request that the California State Board of Education (SBE) waive the requirement that by-trustee-area election methods be approved at districtwide elections—allowing by-trustee-area elections to be adopted upon review and approval of the appropriate County Committee.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

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

## Summary of Key Issues

Approval of the waiver requests would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the school districts. The voters in the districts will continue to elect all board members—however, if the waiver requests are approved, all board members will be elected by trustee areas beginning with the next governing board elections.

County Committees have the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to *EC* Section 5020, County Committee approval of trustee areas and election methods constitutes an order of election; thus, voters in the districts have final approval.

Many districts in California are facing existing or potential litigation under the CVRA because of their at-large election methods. To help avoid potential litigation, the school districts are taking actions to establish trustee areas and adopt by-trustee-area election methods. In order to establish the trustee areas and the methods of election as expeditiously as possible, the districts are requesting that the SBE waive the requirement that the trustee areas and the election methods be approved at districtwide elections. If the SBE approves the waiver requests, by-trustee-area election methods can be adopted in the districts upon review and approval of the appropriate County Committee without subsequent local elections to approve the changes.

Only the elections to establish trustee areas and the election methods will be eliminated by approval of the waiver requests—voters in the school districts will continue to elect all governing board members. Moreover, approval of the waivers will not eliminate any existing legal rights of currently seated board members.

The waiver requests have been reviewed by the CDE and it has been determined that there was no significant public opposition to the waivers at the public hearings held by the governing boards of the districts. The CDE has further determined that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends the SBE approve the requests by the Apple Valley USD, the Barstow USD, the Central ESD, the Chaffey JUHSD, the Hesperia USD, the Inglewood USD, the Irvine USD, the Lowell JSD, the Morongo USD, the Santa Rosa City Schools, the Ventura USD, the Victor ESD, and the Victor Valley UHSD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

**Demographic Information:** The Apple Valley USD has a student population of 12,959 and is located in an urban area of San Bernardino County.

The Barstow USD has a student population of 6,166 and is located in a rural area of San Bernardino County.

The Central ESD has a student population of 4,555 and is located in a suburban area of San Bernardino County.

The Chaffey JUHSD has a student population of 23,838 and is located in a suburban area of San Bernardino County.

The Hesperia USD has a student population of 21,710 and is located in an urban area of San Bernardino County.

The Inglewood USD has a student population of 13,915 and is located in a suburban area of Los Angeles County.

The Irvine USD has a student population of 34,645 and is located in a suburban area of Orange County.

The Lowell JSD has a student population of 3,200 and is located in an urban area of Los Angeles County.

The Morongo USD has a student population of 8,466 and is located in a rural area of San Bernardino County.

The Santa Rosa City Schools has a student population of 16,200 and is located in an urban area of Sonoma County.

The Ventura USD has a student population of 16,800 and is located in a suburban area of Ventura County.

The Victor ESD has a student population of 12,751 and is located in an urban area of San Bernardino County.

The Victor Valley UHSD has a student population of 14,043 and is located in an urban area of San Bernardino County.

**Because this is a general waiver, if the State Board of Education 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 over 155 similar waivers—most recently for 17 school districts at the March 2018 SBE meeting.

## Fiscal Analysis (as appropriate)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency. Failure to approve the requests will result in additional costs to the Apple Valley USD, the Barstow USD, the Central ESD, the Chaffey JUHSD, the Hesperia USD, the Inglewood USD, the Irvine USD, the Lowell JSD, the Morongo USD, the Santa Rosa City Schools, the Ventura USD, the Victor ESD, and the Victor Valley UHSD for districtwide elections.

## Attachment(s)

* **Attachment 1**: Summary Table (7 pages)
* **Attachment 2**: Apple Valley Unified School District General Waiver Request  
  21-2-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3**: Barstow Unified School District General Waiver Request  
  17-1-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4**: Central Elementary School District General Waiver Request  
  5-2-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5**: Chaffey Joint Union High School District General Waiver Request 12-2-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6**: Hesperia Unified School District General Waiver Request  
  2-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7**: Inglewood Unified School District General Waiver Request  
  26-2-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8**: Irvine Unified School District General Waiver Request 18-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 9**: Lowell Joint School District General Waiver Request 15-2-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 10**: Morongo Unified School District General Waiver Request  
  9-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 11**: Santa Rosa City Schools General Waiver Request 38-3-2018  
  (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 12**: Ventura Unified School District General Waiver Request  
  22-1-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 13**: Victor Elementary School District General Waiver Request  
  21-1-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 14**: Victor Valley Union High School District General Waiver Request 42-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 15**: California *Education Code* Proposed for Waiver (5 pages)

# Attachment 1: Summary Table

California *Education Code* Sections 5019, 5020, 5021, and 5030

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted** | **Public Hearing and Board Dates** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 21-2-2018 | Apple Valley Unified School District | **Requested:**  October 18, 2017  to  October 17, 2019  **Recommended:**  October 19, 2017  to  October 17, 2019 | Apple Valley Unified Teachers Association,  John Zachau, President  2/14/2018  **Support**  California School Employees Association,  Kim Asboth, President  1/18/2018  **Support** | 10/19/2017 | All school site councils (12/8/2017 to 1/10/2018)  **No objections** |
| 17-1-2018 | Barstow Unified School District | **Requested:**  June 1, 2018  to  May 31, 2020  **Recommended:**  June 1, 2018  to  May 30, 2020 | Barstow Education Association,  Marcus Flores, President  12/15/2017  **Support**  California School Employees Association,  Bob Drew, President  12/14/2017  **Support** | 1/9/2018 | Lenwood Elementary School Site Council (12/11/2017)  **No objections** |
| 5-2-2018 | Central Elementary School District | **Requested:**  June 1, 2018  to  May 30, 2020  **Recommended:**  June 1, 2018  to  May 30, 2020 | Central Teachers Organization,  JoAnna Ambrozich, President  1/10/2018  **Support**  California School Employees Association,  Patricia Chavez-Deao, President  1/25/2018  **Support** | 2/1/2018 | School site councils; District Advisory Council; Local Control and Accountability Plan Advisory Committee (1/25/2018)  **No objections** |
| 12-2-2018 | Chaffey Joint Union High School District | **Requested:**  June 1, 2018  to  May 30, 2020  **Recommended:**  June 1, 2018  to  May 30, 2020 | Associated Chaffey Teachers,  Kurt Burger, President  10/5/2017  **Support**  California School Employees Association,  Tony De Fabiis, President  10/12/2017  **Support** | **Public Hearing:**  12/12/2017  **Board Action:**  1/16/2018 | District School Liaison Team  (10/3/2017)  **No objections** |
| 2-3-2018 | Hesperia Unified School District | **Requested:**  December 10, 2017  to  December 9, 2019  **Recommended:**  December 10, 2017  to  December 8, 2019 | Hesperia Teacher Association,  Thomas Kerman, President  12/5/2017  **Support**  California School Employees Association,  Arlene Yanes, President  12/5/2017  **Support** | 12/11/2017 | School Site Councils (review by all school site councils completed by 12/6/2017)  **No objections** |
| 26-2-2018 | Inglewood Unified School District | **Requested:**  February 1, 2018  to  January 31, 2020  **Recommended:**  February 1, 2018  to  January 30, 2020 | Inglewood Teachers Association,  Abba Ngissah, President  1/8/2018  **Neutral**  CalPro Local Union 2345  Cherryl Joseph, President  1/8/2018  **Neutral** | 3/14/2018 | Inglewood Council of Parent/Teacher Associations (3/12/2018)  **No objections** |
| 18-3-2018 | Irvine Unified School District | **Requested:**  April 1, 2018  to  March 31, 2020  **Recommended:**  April 1, 2018  to  March 30, 2020 | Irvine Teachers Association,  Theresa Sorey, President  3/5/2018  **Support**  California School Employees Association,  Janelle Cranch, President  2/22/2018  **Support**  Irvine Administrators Association,  Brenda Averill, President  3/1/2018  **Support** | 3/13/2018 | District English Learner Advisory Committee (3/1/2018); Special Education Community Advisory Committee (3/8/2018); Irvine Administrative Assistants to the Principal (3/5/2018); Irvine Supervisors Association (3/7/2018)  **No objections** |
| 15-2-2018 | Lowell Joint School District | **Requested:**  August 14, 2017  to  November 5, 2018  **Recommended:**  August 14, 2017  to  November 5, 2018 | Lowell Joint Education Association,  Allison Fonti, President  12/21/2017  **Neutral**  California School Employees Association,  Darlene Pullen, President  12/21/2017  **Neutral** | 1/16/2018 | Rancho-Starbuck Intermediate School Site Council (12/13/2017)  **No objections** |
| 9-3-2018 | Morongo Unified School District | **Requested:**  June 1, 2018  to  May 30, 2020  **Recommended:**  June 1, 2018  to  May 30, 2020 | Morongo Teachers Association,  Terri Weitz, President  2/5/2018  **Support**  California School Employees Association,  Shadee Johnson, President  2/6/2018  **Support** | 2/13/2018 | District English Learner Advisory Committee (2/7/2018); Superintendents Advisory Group (2/13/18); town councils of the cities of Twentynine Palms (2/6/18) and Yucca Valley (1/16/18)  **No objections** |
| 38-3-2018 | Santa Rosa City Schools | **Requested:**  February 6, 2018  to  February 2, 2019  **Recommended:**  February 6, 2018  to  February 2, 2019 | Santa Rosa Teachers Association,  Will Lyon, President  2/6/2018  **Support**  California School Employees Association,  Tammy Affonso, President  2/6/2018  **Support** | 2/14/2018 | All school site councils(1/26/2018) **No objections** |
| 22-1-2018 | Ventura Unified School District | **Requested:**  June 1, 2018  to  May 31, 2020  **Recommended:**  June 1, 2018  to  May 30, 2020 | Ventura Unified Education Association,  Dan Nelson, President  1/12/2018  **Support**  Ventura Education Support Professionals Association,  Ruben Galindo,  Vice-President  1/12/2018  **Support** | 1/23/2018 | District English Language Advisory Council; Local Control Accountability Plan Advisory Committee (1/18/2018)  **No objections** |
| 21-1-2018 | Victor Elementary School District | **Requested:**  April 1, 2017  to  March 1, 2019  **Recommended:**  April 1, 2017  to  March 1, 2019 | Victor Elementary Teachers Association,  Beth Fehrs, President  2/14/2017  **Support**  California School Employees Association,  Ruben Santos, President  2/21/2017  **Neutral** | **Public Hearing:**  1/18/2017  **Board Action:**  3/9/2017 | School site councils; District English Language Advisory Committee; District Advisory Committee (1/23/2017).  **No objections** |
| 42-3-2018 | Victor Valley Union High School District | **Requested:**  January 10, 2018  to  January 6, 2019  **Recommended:**  January 10, 2018  to  January 6, 2019 | Victor Valley Teachers Association,  Kathleen Montague-Hanson, President  12/6/2017  **Support**  California School Employees Association,  Katherine Bertelsen, President  12/7/2017  **Neutral** | 12/14/2017 | All school site councils (12/7/2017).  **No objections** |

Created by California Department of Education  
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# Attachment 2: Apple Valley Unified School District Waiver Request 21-2-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3675077

Waiver Number: 21-2-2018

Active Year: 2018

Date In: 2/22/2018 1:52:39 PM

Local Education Agency: Apple Valley Unified School District

Address: 12555 Navajo Rd.

Apple Valley, CA 92308

Start: 10/18/2017

End: 10/17/2019

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 5021, and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: This waiver is requested to expedite the efforts of the Apple Valley Unified School District (“District”) to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.)(“CVRA”). By granting this waiver, the District will be able to implement its new “by-trustee area” election system for its November 2018 elections to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

Student Population: 12959

City Type: Urban

Public Hearing Date: 10/19/2017

Public Hearing Advertised: Newspaper, internet, school sites, and District office

Local Board Approval Date: 10/19/2017

Community Council Reviewed By: All School Site Councils

Community Council Reviewed Date: 12/18/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Thomas Hoegerman

Position: Superintendent

E-mail: [tom\_hoegerman@avusd.org](mailto:tom_hoegerman@avusd.org)

Telephone: 760-247-8001 x1309

Fax: 760-247-4103

Bargaining Unit Date: 02/14/2018

Name: Apple Valley Unified Teachers Association

Representative: John Zachau

Title: President of AVUTA

Position: Support

Bargaining Unit Date: 01/18/2018

Name: CSEA Apple Valley Chapter 828

Representative: Kim Asboth

Title: President, Apple Valley Chapter 828

Position: Support

# Attachment 3: Barstow Unified School District Waiver Request 17-1-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667611

Waiver Number: 17-1-2018

Active Year: 2018

Date In: 1/19/2018 1:16:43 PM

Local Education Agency: Barstow Unified

Address: 551 South Avenue H

Barstow, CA 92311

Start: 6/1/2018

End: 5/31/2020

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Other Waivers

Ed Code Title: Other Waivers

Ed Code Section: 5019, 5020, 5021, 5030

Ed Code Authority: 5019, 5020, 5021, 5030

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: Barstow Unified School District currently uses an at-large system of electing its governing board members. In the event the Board approves the transition to by-trustee area elections, in order to complete the transition in a timely manner and to guarantee that the new by-trustee area process will be in place in time to elect new governing board members at the Board’s next regularly-scheduled election, the District must obtain a waiver of the election process of *Education Code* sections 5019, 5020, 5021 and 5030 from the State Board of Education

Student Population: 6166

City Type: Rural

Public Hearing Date: 1/9/2018

Public Hearing Advertised: Public Hearing Notice posted at public locations not affiliated with school district. i.e. public library, City Hall, County Family Services, post office

Local Board Approval Date: 1/9/2018

Community Council Reviewed By: Lenwood Elementary School - School Site Council

Community Council Reviewed Date: 12/11/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Julie Carter

Position: Sr. Executive Assistant

E-mail: [julie\_carter@busdk12.com](mailto:julie_carter@busdk12.com)

Telephone: 760-255-6006

Fax: 760-255-8965

Bargaining Unit Date: 12/14/2017

Name: California School Employees Association

Representative: Bob Drew

Title: President

Position: Support

Comments:

# Attachment 4: Central Elementary School District Waiver Request 5-2-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667645

Waiver Number: 5-2-2018

Active Year: 2018

Date In: 2/7/2018 10:59:40 AM

Local Education Agency: Central Elementary School District

Address: 10601 Church St., Ste. 112

Rancho Cucamonga, CA 91730

Start: 6/1/2018

End: 5/30/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Election of Governing Board

Ed Code Section: 5020 and portions of 5019, 5021 and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: The Central School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

The District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

Student Population: 4555

City Type: Suburban

Public Hearing Date: 2/1/2018

Public Hearing Advertised: Newspaper, district website, district office, all school sites, Rancho Cucamonga City Hall and Rancho Cucamonga Archibald Library.

Local Board Approval Date: 2/1/2018

Community Council Reviewed By: School Site Councils, District Advisory Council and LCAP Advisory Committee.

Community Council Reviewed Date: 1/25/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Donna Libutti

Position: Superintendent

E-mail: [dlibutti@csd.k12.ca.us](mailto:dlibutti@csd.k12.ca.us)

Telephone: 909-989-8541

Fax: 909-941-1732

Bargaining Unit Date: 01/25/2018

Name: California School Employees Assoc., Chapter #605

Representative: Patricia Chavez-Deao

Title: President

Position: Support

Bargaining Unit Date: 01/10/2018

Name: Central Teachers' Organization

Representative: JoAnna Ambrozich

Title: President

Position: Support

# Attachment 5: Chaffey Joint Union High School District Waiver Request 12-2-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667652

Waiver Number: 12-2-2018

Active Year: 2018

Date In: 2/16/2018 9:27:45 AM

Local Education Agency: Chaffey Joint Union High

Address: 211 West Fifth St.

Ontario, CA 91762

Start: 6/1/2018

End: 5/30/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5019, 5020, 5021 and 5030

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: The Chaffey Joint Union High School District desires to have the requested *Education Code* sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

The District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

Student Population: 23838

City Type: Suburban

Public Hearing Date: 12/12/2017

Public Hearing Advertised: Posted at all school sites: Alta Loma, Chaffey, Colony, Etiwanda, Los Osos, Montclair, Ontario, Rancho, and Valley View High Schools as well as the Alternative Education Center and Adult School – Dece

Local Board Approval Date: 1/16/2018

Community Council Reviewed By: District School Liasion Team (DSLT)

Community Council Reviewed Date: 10/3/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Joey Collisson

Position: Administrative Assistant to the Superintendent

E-mail: [joey.collisson@cjuhsd.net](mailto:joey.collisson@cjuhsd.net)

Telephone: 909-988-8511 x2501

Bargaining Unit Date: 10/05/2017

Name: Associated Chaffey Teachers (ACT)

Representative: Kurt Burger

Title: ACT President

Position: Support

# Attachment 6: Hesperia Unified School District Waiver Request 2-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3675044

Waiver Number: 2-3-2018

Active Year: 2018

Date In: 3/1/2018 10:26:16 AM

Local Education Agency: Hesperia Unified School District

Address: 15576 Main St.

Hesperia, CA 92345

Start: 12/10/2017

End: 12/9/2019

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 5021 and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: This waiver is requested to expedite the efforts of the Hesperia Unified School District (“District”) to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.)(“CVRA”). By granting this waiver, the District will be able to implement its new “by-trustee area” election system for its November 2018 elections to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

Student Population: 21710

City Type: Urban

Public Hearing Date: 12/11/2017

Public Hearing Advertised: By newspaper, parent letters, district website, and posted at the District office

Local Board Approval Date: 12/11/2017

Community Council Reviewed By: School site councils for District schools completed review by the following date

Community Council Reviewed Date: 12/6/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Milton Foster

Position: Attorney for Hesperia Unified School District

E-mail: [mfoster@f3law.com](mailto:mfoster@f3law.com)

Telephone: 951-255-2130

Bargaining Unit Date: 12/05/2017

Name: Classified School Employee Association

Representative: Arlene Yanes

Title: President

Position: Support

Bargaining Unit Date: 12/05/2017

Name: Hesperia Teacher Association

Representative: Thomas Kerman

Title: President

Position: Support

# Attachment 7: Inglewood Unified School District Waiver Request 26-2-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964634

Waiver Number: 26-2-2018

Active Year: 2018

Date In: 2/26/2018 9:06:05 PM

Local Education Agency: Inglewood Unified School District

Address: 401 South Inglewood Ave.

Inglewood, CA 90301

Start: 2/1/2018

End: 1/31/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: Section 5020, and portions of sections 5019, 5021, and 5030

Ed Code Authority: Section 33050

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: Inglewood Unified School District desires to have the requested *Education Code* sections waived because the waiver of these sections will allow the district to successfully adopt trustee areas and establish a by-trustee area election process as expeditiously as possible and avoid the risk and expense associated with litigation under the California Voting Rights Act. If approved, this waiver would allow the district to complete the transition process to a by-trustee area election method without delay. It is imperative that this waiver be approved because the district's failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves the district vulnerable to litigation in which the district would be exposed to potentially having to pay significant attorneys' fees to the plaintiffs, which would pose an undue hardship and extreme detriment to the district and its students.

In April 2017, Inglewood Unified School District voters approved amendment of the City Charter to enable the governing board to establish a new method of election, and to remove the requirement that the elections be at-large. Accordingly, the public has been made aware of the circumstances and the desire to move toward by-trustee-area elections, and has been part of the process for quite some time. Holding a second election to approve the trustee areas is unnecessary given the extensive public involvement throughout the process.

Student Population: 13915

City Type: Suburban

Public Hearing Date: 1/10/2018

Public Hearing Advertised: Local newspaper, on the District Web site, at all school sites, and in the board agenda online

Local Board Approval Date: 1/10/2018

Community Council Reviewed By: Inglewood Teachers Association and Calpro Local Union 2345

Community Council Reviewed Date: 1/8/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Julie Hamill

Position: Attorney

E-mail: [julie@juliehamill-law.com](mailto:julie@juliehamill-law.com)

Telephone: 424-265-0529

Bargaining Unit Date: 01/08/2018

Name: CalPro Local Union 2345

Representative: Cherryl Joseph

Title: CalPro President

Position: Neutral

Bargaining Unit Date: 01/08/2018

Name: Inglewood Teachers Assoication

Representative: Abba Ngissah

Title: ITA President

Position: Neutral

# Attachment 8: Irvine Unified School District Waiver Request 18-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3073650

Waiver Number: 18-3-2018

Active Year: 2018

Date In: 3/14/2018 8:31:16 AM

Local Education Agency: Irvine Unified School District

Address: 5050 Barranca Pkwy.

Irvine, CA 92604

Start: 4/1/2018

End: 3/31/2020

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 5021, and 5030

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: The Irvine Unified School District desires to have the requested *Education Code* sections waived because the waiver of these sections will allow the District, if it so desires, to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible.

The District currently utilizes an at-large election process to elect its governing board members.

Student Population: 34645

City Type: Suburban

Public Hearing Date: 3/13/2018

Public Hearing Advertised: Formal notice with date, time, location, and subject posted at the District Office; Public Library, City Hall, published on District website; published in newspaper of general circulation on 3/06/2018

Local Board Approval Date: 3/13/2018

Community Council Reviewed By: IUCPTA, DELAC, Special Ed CAC

Community Council Reviewed Date: 3/8/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Terry Walker

Position: Superintendent of Schools

E-mail: [terrywalker@iusd.org](mailto:terrywalker@iusd.org)

Telephone: 949-936-5251 x5251

Bargaining Unit Date: 02/22/2018

Name: California School Employees Association - Chap 517

Representative: Janelle Cranch

Title: Chapter President

Position: Support

Bargaining Unit Date: 03/01/2018

Name: Irvine Administrators Association

Representative: Belinda Averill

Title: IAA President

Position: Support

Bargaining Unit Date: 03/05/2018

Name: Irvine Teachers Association

Representative: Theresa Sorey

Title: President

Position: Support

# Attachment 9: Lowell Joint School District Waiver Request 15-2-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964766

Waiver Number: 15-2-2018

Active Year: 2018

Date In: 2/21/2018 7:34:39 PM

Local Education Agency: Lowell Joint School District

Address: 11019 Valley Home Ave.

Whittier, CA 90603

Start: 8/14/2017

End: 11/5/2018

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Trustee Elections

Ed Code Section: 5019 (c)(1), 5030 (b),5020

Ed Code Authority: *EC* 33050

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: The District currently uses an at-large system of electing the members of the Board of Trustees. Under State law, an at-large method of election may be deemed to impair the ability of some voters to elect candidates of their choice or to influence the outcome of elections and, therefore, may be subject to challenge under the California Voting Rights Act of 2001 (CVRA), California Elections Codes Sections 14025, et seq. Based on this awareness, the Board of Trustees, with the assistance and advice of legal counsel, has decided to initiate the process of establishing trustee areas and changing the method of electing members of the Board, in order to ensure compliance with the CVRA.

Student Population: 3200

City Type: Urban

Public Hearing Date: 1/16/2018

Public Hearing Advertised: School sites, local newspaper, local city halls, local city libraries, local chambers of commerce

Local Board Approval Date: 1/16/2018

Community Council Reviewed By: Rancho Starbuck School Site Council

Community Council Reviewed Date: 12/13/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Jim Coombs

Position: Superintendent

E-mail: [mevanoff@ljsd.org](mailto:mevanoff@ljsd.org)

Telephone: 562-902-4203

Fax: 562-947-7874

Bargaining Unit Date: 12/21/2017

Name: LJEA, CSEA

Representative: Allison, Darlene Fonti, Pullen

Title: Presidents

Position: Neutral

# Attachment 10: Morongo Unified School District Waiver Request 9-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667777

Waiver Number: 9-3-2018

Active Year: 2018

Date In: 3/6/2018 1:40:52 PM

Local Education Agency: Morongo Unified School District

Address: 5715 Utah Trail

Twentynine Palms, CA 92277

Start: 6/1/2018

End: 5/30/2020

Waiver Renewal: No

Waiver Topic: Other Waivers

Ed Code Title: Other Waivers

Ed Code Section: Portions of 5019, 5021, 5030

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See See Attachment 15 of this State Board of Education Item.

Outcome Rationale: The Morongo Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

The District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

Student Population: 8466

City Type: Rural

Public Hearing Date: 2/13/2018

Public Hearing Advertised: Radio, newspaper, public postings

Local Board Approval Date: 2/13/2018

Community Council Reviewed By: All school site principals, community groups, and at several board meetings/workshops

Community Council Reviewed Date: 2/13/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Tom Baumgarten

Position: Superintendent

E-mail: [tom\_baumgarten@morongo.k12.ca.us](mailto:tom_baumgarten@morongo.k12.ca.us)

Telephone: 760-367-9191 x4221

Fax: 760-367-7189

Bargaining Unit Date: 02/06/2018

Name: California School Employees Association Ch 29

Representative: Shadee Johnson

Title: President

Position: Support

Bargaining Unit Date: 02/05/2018

Name: Morongo Teachers Association

Representative: Terri Weitz

Title: President

Position: Support

# Attachment 11: Santa Rosa City Schools Waiver Request 38-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4940253

Waiver Number: 38-3-2018

Active Year: 2018

Date In: 3/27/2018 4:17:47 PM

Local Education Agency: Santa Rosa City Schools

Address: 211 Ridgeway Ave.

Santa Rosa, CA 95401

Start: 2/6/2018

End: 2/2/2019

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 5021 and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: This waiver is requested to expedite the efforts of the Santa Rosa City Schools District (“District”) to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.)(“CVRA”). By granting this waiver, the District will be able to implement its new “by-trustee area” election system for its November 2018 elections to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

Student Population: 16200

City Type: Urban

Public Hearing Date: 2/14/2018

Public Hearing Advertised: Newspaper, notice of public hearing on district website

Local Board Approval Date: 2/14/2018

Community Council Reviewed By: All school site councils at each respective school site

Community Council Reviewed Date: 1/26/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Milton Foster

Position: Attorney for Santa Rosa City Schools

E-mail: [mfoster@f3law.com](mailto:mfoster@f3law.com)

Telephone: 951-255-2130

Bargaining Unit Date: 02/06/2018

Name: California School Employee Association, Chapter 75

Representative: Tammy Affonso

Title: President

Position: Support

Bargaining Unit Date: 02/06/2018

Name: Santa Rosa Teachers Association

Representative: Will Lyon

Title: President

Position: Support

# Attachment 12: Ventura Unified School District Waiver Request 22-1-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 5672652

Waiver Number: 22-1-2018

Active Year: 2018

Date In: 1/25/2018 12:40:45 PM

Local Education Agency: Ventura Unified School District

Address: 255 West Stanley Ave., Ste. 100

Ventura, CA 93001

Start: 6/1/2018

End: 5/31/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5019, 5020, 5021 and 5030

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: The Ventura Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

The District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

Student Population: 16800

City Type: Suburban

Public Hearing Date: 1/23/2018

Public Hearing Advertised: Notice in English and Spanish was posted throughout the district at city buildings, libraries, school sites and the district website. Social meda (facebook) was also utilized to notify the community.

Local Board Approval Date: 1/23/2018

Community Council Reviewed By: District English Language Advisory Council, Local Control Accountability Plan Advisory Committee

Community Council Reviewed Date: 1/18/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Anthony Ramos

Position: General Counsel

E-mail: [anthony.ramos@venturausd.org](mailto:anthony.ramos@venturausd.org)

Telephone: 805-641-5000 x1012

Fax: 805-653-7856

Bargaining Unit Date: 01/12/2018

Name: Ventura Education Support Professionals Associatio

Representative: Ruben Galindo

Title: Vice President

Position: Support

Bargaining Unit Date: 01/12/2018

Name: Ventura Unified Education Association

Representative: Dan Nelson

Title: President

Position: Support

Comments:

# Attachment 13: Victor Elementary School District Waiver Request 21-1-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667918

Waiver Number: 21-1-2018

Active Year: 2018

Date In: 1/25/2018 12:05:40 PM

Local Education Agency: Victor Elementary

Address: 12219 2nd Ave.

Victorville, CA 92395

Start: 4/1/2017

End: 3/1/2019

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 5021 and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: This waiver is requested to expedite the efforts of the Victor Elementary School District (“District”) to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.)(“CVRA”). By granting this waiver, the District will be able to implement its new “by-trustee area” election system for its November 2018 elections to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

Student Population: 12751

City Type: Urban

Public Hearing Date: 1/18/2017

Public Hearing Advertised: Via letter, and public notice in the newspaper, on the internet, and District office

Local Board Approval Date: 3/9/2017

Community Council Reviewed By: School site councils, District advisory committee, District english language advsory committee

Community Council Reviewed Date: 1/23/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Milton Foster

Position: Attorney for Victor Elementary School District

E-mail: [mfoster@f3law.com](mailto:mfoster@f3law.com)

Telephone: 951-215-4907

Bargaining Unit Date: 02/21/2017

Name: California School Employees Association, Ch. 236

Representative: Ruben Santos

Title: President

Position: Neutral

Bargaining Unit Date: 02/14/2017

Name: Victor Elementary Teachers' Association

Representative: Beth Fehrs

Title: President

Position: Support

# Attachment 14: Victor Valley Union High School District Waiver Request 42-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667934

Waiver Number: 42-3-2018

Active Year: 2018

Date In: 3/29/2018 1:45:15 AM

Local Education Agency: Victor Valley Union High School

Address: 16350 Mojave Dr.

Victorville, CA 92395

Start: 1/10/2018

End: 1/6/2019

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 5021 and 5030

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 15 of this State Board of Education Item.

Outcome Rationale: This waiver is requested to expedite the efforts of the Victor Valley Union High School District (“District”) to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.)(“CVRA”). By granting this waiver, the District will be able to implement its new “by-trustee area” election system for its November 2018 elections to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

Student Population: 14043

City Type: Urban

Public Hearing Date: 12/14/2017

Public Hearing Advertised: Newspaper, notice of public hearing on district website

Local Board Approval Date: 12/14/2017

Community Council Reviewed By: All school site councils at all school sites

Community Council Reviewed Date: 12/7/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Milton Foster

Position: Attorney for Victor Valley Union High School Dist.

E-mail: [mfoster@f3law.com](mailto:mfoster@f3law.com)

Telephone: 951-255-2130

Bargaining Unit Date: 12/07/2017

Name: California School Employees Association, Ch. 243

Representative: Katherine Bertelsen

Title: President

Position: Neutral

Bargaining Unit Date: 12/06/2017

Name: Victor Valley Teachers Association

Representative: Kathleen Montague-Hanson

Title: President

Position: Support

# Attachment 15: California *Education Code* Proposed for Waiver

Request to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election. Language proposed to be waived is bracketed and in italics below:

## § 5019.

Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) [*the rearrangement of* ]the boundaries of trustee areas for a particular district, then the [*rearrangement of the* ]trustee areas shall be effectuated for the next district election occurring at least 120 days after [*its* ]approval[*, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters*].

## [§ 5020.

*Presentation of proposal to electors*

*(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.*

*(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.*

*(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.*

*(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.*

*(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:*

*"For the establishment (or abolition or rearrangement) of trustee areas in \_\_\_\_ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in \_\_\_\_ (insert name) School District--No."*

*"For increasing the number of members of the governing board of \_\_\_\_ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of \_\_\_\_ (insert name) School District from five to seven--No."*

*"For decreasing the number of members of the governing board of \_\_\_\_ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of \_\_\_\_ (insert name) School District from seven to five--No."*

*"For the election of each member of the governing board of the \_\_\_\_ (insert name) School District by the registered voters of the entire \_\_\_\_ (insert name) School District--Yes" and "For the election of each member of the governing board of the \_\_\_\_ (insert name) School District by the registered voters of the entire \_\_\_\_ (insert name) School District--No."*

*"For the election of one member of the governing board of the \_\_\_\_ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the \_\_\_\_ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."*

*"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the \_\_\_\_ (insert name) School District residing in each trustee area elected by the registered voters of the entire \_\_\_\_ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the \_\_\_\_ (insert name) School District residing in each trustee area elected by the registered voters of the entire \_\_\_\_ (insert name) School District--No."*

*"For the establishment (or abolition) of a common governing board in the \_\_\_\_ (insert name) School District and the \_\_\_\_ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the \_\_\_\_ (insert name) School District and the \_\_\_\_ (insert name) School District--No."*

*If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective*.]

## § 5021.

Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section[*s*] 5019 [*and 5020* ]is approved[ *by a majority of the voters voting at the election*], any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established [*at such election* ]which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by[ *a majority of the voters voting on the measure, or by*] the county committee on school district organization[ *when no election is required*], and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved[ *by a majority of the voters voting at the election*], the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

## § 5030.

Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section[*s*] 5019[ *and 5020, respectively*], may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

[*In counties with a population of less than 25,000,* ]the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.