

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of EducationNovember 2018 AgendaItem #W-07

## Subject

Request by **Igo, Ono, Platina Union 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

9-8-2018

## 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 Igo, Ono, Platina Union Elementary School District (UESD) in Shasta County, is a small school district (42 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 Shasta County Superintendent of Schools (County Superintendent) supports this proposal and the County Committee already has approved it.

To expedite this reduction and to reduce costs, the Igo, Ono, Platina UESD 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 Igo, Ono, Platina UESD governing board. The County Superintendent supports this request and the County Committee approved the reduction on August 20, 2018. County Committee approval constitutes an order of election, pursuant to *EC* Section 5020, unless this waiver is approved.

The Igo, Ono, Platina UESD has had ongoing difficulties maintaining a five-member board. Since 2015, the district has submitted three waiver requests to the SBE to allow it additional time to fill vacancies on the board. The governing board currently is operating as a three-member board due to two vacant seats it has been unable to fill.

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 governing board of any such district may take action to increase the size of the board 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 Igo, Ono, Platina UESD 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 Igo, Ono, Platina UESD to waive *EC* Section 5020, which requires a districtwide election to approve a reduction in the size of the governing board.

**Demographic Information:** The Igo, Ono, Platina UESD has a student population of 42 and is located in a rural area of Shasta 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 in the past. The most recent approval was at the January 2018 SBE meeting for the Dunsmuir Elementary School District in Siskiyou County. The SBE also has approved multiple waiver requests from the Igo, Ono, Platina UESD to allow additional time to find candidates for board vacancies (at the November 2015, July 2018, and September 2018 SBE meetings).

## Fiscal Analysis (as appropriate)

Approval of the waiver request will not have fiscal effects on any local or state agency. Disapproval of the request may result in election costs for the Igo, Ono, Platina UESD.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Igo, Ono, Platina Union Elementary School District General Waiver Request 9-8-2018 (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** | **Public Hearing and Board Date** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 9-8-2018 | Igo, Ono, Platina Union Elementary School District | **Requested:**June 6, 2018, to June 6, 2020**Recommended:**June 6, 2018, to June 4, 2020 | California Teachers Association,Cindy SilvaPresidentMay 3, 2018**Support**California School Employees Association,Tony WilliamsPresidentMay 3, 2018**Support** | May 7, 2018 | School Site CouncilMay 3, 2018**No objections** |

Created by California Department of Education
August 2018

# Attachment 2: Igo, Ono, Platina Union Elementary School DistrictGeneral Waiver Request 9-8-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4570029

Waiver Number: 9-8-2018

Active Year: 2018

Date In: 8/23/2018 9:49:44 AM

Local Education Agency: Igo, Ono, Platina Union Elementary School

Address: 6429 Placer St.

Igo, CA 96001

Start: 6/6/2018

End: 6/6/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: [that requires a district-wide election to reduce the number of governing board members from five to three.]

Outcome Rationale: The Board of Trustees of Igo-Ono-Platina Union School District seeks a waiver of Ed Code Section 5020's election requirement to expedite its effort to reduce the Board membership from 5 to 3. Igo-Ono-Platina Union School District is a small rural community that has historically experienced difficulties filing and maintaining its five-member board. Currently, the Board has two vacant seats and three members that regularly attend meetings. The Board has been unable to find a single qualified individual interested in filling the vacancies either by appointment or election. Thus, the Board has determined that it is in the best interests of its students, employees, and community to reduce the Board members to three. By granting this waiver, the District will be able to implement a three-member board on an expedited basis, and therefore ensure that the Board can continue to properly fulfill its duties to the District.

Student Population: 42

City Type: Rural

Public Hearing Date: 5/7/2018

Public Hearing Advertised: posted at the school, district office, website, and local post office.

Local Board Approval Date: 5/7/2018

Community Council Reviewed By: Shasta County Committee on School District Organization

Community Council Reviewed Date: 8/20/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Lori Carter

Position: Administrative Assistant

E-mail: lcarter@rsdnmp.org

Telephone: 530-225-0011 x1170

Bargaining Unit Date: 06/06/2018

Name: CSEA

Representative: Tony Williams

Title: President

Position: Support

Bargaining Unit Date: 06/06/2018

Name: CTA

Representative: Cindy Silva

Title: President

Position: Support