

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education March 2020 Agenda Item #W-08

## Subject

Request by **14 local educational agencies** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to establish a by-trustee-area method of election.

## Waiver Number

* Adelanto Elementary School District 9-11-2019
* Benicia Unified School District 8-12-2019
* Davis Joint Unified School District 17-11-2019
* Fremont Unified School District 6-12-2019
* Huntington Beach City Elementary School District 18-12-2019
* Los Alamitos Unified School District 15-12-2019
* New Haven Unified School District 14-11-2019
* Novato Unified School District 15-11-2019
* Oakdale Joint Unified School District 5-12-2019
* Ojai Unified School District 16-11-2019
* Rim of the World Unified School District 13-12-2019
* Saddleback Valley Unified School District 7-12-2019
* San Pasqual Union Elementary School District 20-12-2019
* Vallejo City Unified School District 7-11-2019

## 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 Adelanto Elementary School District (ESD), the Benicia Unified School District (USD), the Davis Joint Unified School District (JUSD), the Fremont USD, the Huntington Beach City ESD, the Los Alamitos USD, the New Haven USD, the Novato USD, the Oakdale JUSD, the Ojai USD, the Rim of the World USD, the Saddleback Valley USD, the San Pasqual Union ESD, and the Vallejo City USD, request that the California State Board of Education (SBE) waive the requirement that by-trustee-area election methods be approved at a districtwide election—allowing by-trustee-area election methods to be adopted upon review and approval of the appropriate County Committee.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

Approval of the waiver requests will eliminate the election requirement for approval of trustee areas and by-trustee-area methods of election for future governing board elections in the Adelanto ESD, the Benicia USD, the Davis JUSD, the Fremont USD, the Huntington Beach City ESD, the Los Alamitos USD, the New Haven USD, the Novato USD, the Oakdale JUSD, the Ojai USD, the Rim of the World USD, the Saddleback Valley USD, the San Pasqual Union ESD, and the Vallejo City USD. Voters in these districts will continue to elect all board members—however, if the waiver request is approved, board members will be elected by trustee areas beginning with the next governing board election that occurs at least 120 days after County Committee approval of the election method.

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 Adelanto ESD, the Benicia USD, the Davis JUSD, the Fremont USD, the Huntington Beach City ESD, the Los Alamitos USD, the New Haven USD, the Novato USD, the Oakdale JUSD, the Ojai USD, the Rim of the World USD, the Saddleback Valley USD, the San Pasqual Union ESD, and the Vallejo City USD, 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, these districts request 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 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 California Department of Education (CDE) and it has been determined that there was no significant public opposition to the waivers at the public hearings conducted 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 Adelanto ESD, the Benicia USD, the Davis JUSD, the Fremont USD, the Huntington Beach City ESD, the Los Alamitos USD, the New Haven USD, the Novato USD, the Oakdale JUSD, the Ojai USD, the Rim of the World USD, the Saddleback Valley USD, the San Pasqual Union ESD, and the Vallejo City USD to waive *EC* Section 5020 and portions of sections 5019, 5021, and 5030, which require districtwide elections to approve by-trustee-area methods of election.

**Demographic Information:** The Adelanto ESD has a student population of 8,300 and is located in a suburban area of San Bernardino County.

The Benicia USD has a student population of 4,819 and is located in an urban area of Solano County.

The Davis JUSD has a student population of 8,587 and is located in a suburban area of Yolo County.

The Fremont USD has a student population of 35,046 and is located in an urban area of Alameda County.

The Huntington Beach City ESD has a student population of 6,666 and is located in a suburban area of Orange County.

The Los Alamitos USD has a student population of 9,700 and is located in a suburban area of Orange County.

The New Haven USD has a student population of 11,194 and is located in an urban area of Alameda County.

The Novato USD has a student population of 7,898 and is located in a suburban area of Marin County.

The Oakdale JUSD has a student population of 5,400 and is located in a rural area of Stanislaus County.

The Ojai USD has a student population of 2,350 and is located in a suburban area of Ventura County.

The Rim of the World USD has a student population of 3,136 and is located in a rural area of San Bernardino County.

The Saddleback Valley USD has a student population of 26,880 and is located in an urban area of Orange County.

The San Pasqual Union ESD has a student population of 585 and is located in a rural area of San Diego County.

The Vallejo City USD has a student population of 12,500 and is located in an urban area of Solano 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 over 200 similar waiver requests—most recently for nine school districts at the January 2020 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 additional costs to the Adelanto ESD, the Benicia USD, the Davis JUSD, the Fremont USD, the Huntington Beach City ESD, the Los Alamitos USD, the New Haven USD, the Novato USD, the Oakdale JUSD, the Ojai USD, the Rim of the World USD, the Saddleback Valley USD, the San Pasqual Union ESD, and the Vallejo City USD for districtwide elections.

## Attachment(s)

* **Attachment 1:** Summary Table (8 pages)
* **Attachment 2:** Adelanto Elementary School District General Waiver Request  
  9-11-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Benicia Unified School District General Waiver Request  
  8-12-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Davis Joint Unified School District General Waiver Request  
  17-11-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Fremont Unified School District General Waiver Request  
  6-12-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** Huntington Beach City Elementary School District General Waiver Request 18-12-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** Los Alamitos Unified School District General Waiver Request 15-12-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8:** New Haven Unified School District General Waiver Request 14-11-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 9:** Novato Unified School District General Waiver Request  
  15-11-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 10:** Oakdale Joint Unified School District General Waiver Request 5-12-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 11:** Ojai Unified School District General Waiver Request  
  16-11-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 12:** Rim of the World Unified School District General Waiver Request 13-12-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 13:** Saddleback Valley Unified School District General Waiver Request 7-12-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 14:** San Pasqual Union Elementary School District General Waiver Request 20-12-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 15:** Vallejo City Unified School District General Waiver Request  
  7-11-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 16:** California *Education Code* Sections 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 Approval Dates** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 9-11-2019 | Adelanto Elementary School District | **Requested:**  November 15, 2019,  to  November 13, 2021  **Recommended:**  November 15, 2019,  to  November 13, 2021 | Adelanto District Teacher Association, Lori Rhodes, President 10/2/2019 **Neutral**  California School Employees Association (CSEA), Kim Avigliano, President 10/2/2019 **Support** | November 12, 2019 | District English Learner Advisory Committee (DELAC) (10/25/2019) **No objections** |
| 8-12-2019 | Benicia Unified School District | **Requested:**  December 12, 2019, to December 10, 2021  **Recommended:**  December 12, 2019, to December 10, 2021 | Benica Teachers Association, Carolyn Fields, President 9/6/2019 **Neutral**  CSEA, Andre Finn, President 9/6/2019 **Neutral** | December 12, 2019 | School Site Councils (various dates from 10/24/2019 to 11/14/2019) and DELAC (12/5/2019) **No objections** |
| 17-11-2019 | Davis Joint Unified School District | **Requested:**  December 1, 2019,  to  December 31, 2020  **Recommended:**  December 1, 2019,  to  December 31, 2020 | Davis Teacher Association, Victor Lagunes, President 11/1/2019 **Neutral**  CSEA, Sande Royval, President 11/12/2019 **Neutral** | November 21, 2019 | School Site Councils and DELAC (10/25/2019) **No objections** |
| 6-12-2019 | Fremont Unified School District | **Requested:**  December 10, 2019,  to  December 8, 2021  **Recommended:**  December 10, 2019,  to  December 8, 2021 | Fremont Unified District Teachers Association, Victoria Birbeck-Herrera, President 11/12/2019 **Neutral**  CSEA, Joyce Recar, President 10/9/2019 **Neutral**  Service Employees International Union, Matthew Doeschot, President 10/4/2019 **Support**  Fremont School Management Association, David Thornley Vice-president 10/15/2019 **Support** | December 10, 2019 | School Site Councils (10/7/2019) **No objections** |
| 18-12-2019 | Huntington Beach City Elementary School District | **Requested:**  January 1, 2020, to January 2, 2099  **Recommended:**  January 1, 2020, to December 30, 2021 | Huntington Beach Elementary Teachers Association, Joy Forgiarini, President 10/3/2019 **Support**  CSEA, Mark Froncovig, President 10/3/2019 **Support** | November 12, 2019 | District Advisory Council and DELAC 11/7/2019 **No objections** |
| 15-12-2019 | Los Alamitos Unified School District | **Requested:**  January 1, 2020,  to  December 31, 2020  **Recommended:**  January 1, 2020,  to  December 31, 2020 | Los Alamitos Education Association, Stacy Schmitz, President 11/6/2019 **Support**  CSEA, Mitch Banales, President 11/6/2019 **Support** | December 10, 2019 | District Advisory Council 12/16/2019 **No objections** |
| 14-11-2019 | New Haven Unified School District | **Requested:**  November 5, 2019,  to  November 4, 2021  **Recommended:**  November 5, 2019,  to  November 3, 2021 | New Haven Teachers Association, Joe Angeles, President 10/9/2019 **Neutral**  CSEA, Tanya Leno, President 10/16/2019 **Support** | November 5, 2019 | School Site Councils, Parent Teacher Clubs, DELAC, and school English Learner Advisory Committees (ELACS), (various dates from 10/9/2019 to 11/7/2019) **No objections** |
| 15-11-2019 | Novato Unified School District | **Requested:**  December 1, 2019,  to  December 31, 2020  **Recommended:**  December 1, 2019,  to  December 31, 2020 | Novato Federation of Teachers, Mariah Fisher, President 10/9/2019 **Support**  CSEA, Sandie Vaughn, President 10/19/2019 **Support** | November 5, 2019 | School Site Councils, Parent Teacher Associations (PTA), Parent Teacher Organizations, and school ELACS (10/15/2019) **No objections** |
| 5-12-2019 | Oakdale Joint Unified School District | **Requested:**  January 1, 2020,  to  December 31, 2020  **Recommended:**  January 1, 2020,  to  December 31, 2020 | Oakdale Teachers Association, Keith Burns, President 11/15/2019 **Support**  CSEA, Adam Uplinger, President 11/15/2019 **Neutral** | December 9, 2019 | School Site Councils and DELAC (11/14/2019) **No objections** |
| 16-11-2019 | Ojai Unified School District | **Requested:**  December 1, 2019,  to  December 31, 2020  **Recommended:**  December 1, 2019,  to  December 31, 2020 | Ojai Federation of Teachers, Angie Genassi, President 10/22/2019 **Support**  CSEA, Chuck Crawford, President 10/22/2019 **Support** | November 20, 2019 | School Site Councils and DELAC (10/23/2019) **No objections** |
| 13-12-2019 | Rim of the World Unified School District | **Requested:**  January 1, 2020,  to  June 30, 2020  **Recommended:**  January 1, 2020,  to  June 30, 2020 | Rim Teachers Association, Kristil Cobb, Unit Negotiations 11/19/2019 **Support**  CSEA, Gina Hartwell, Member, and Duma Burr, Treasurer 11/19/2019 **Support** | December 12, 2019 | PTA, School Site Council, DELAC, and Local Control and Accountability Plan Stakeholders Committee  (10/30/2019)  **No objections** |
| 7-12-2019 | Saddleback Valley Unified School District | **Requested:**  December 12, 2019,  to  December 10, 2021  **Recommended:**  December 12, 2019,  to  December 10, 2021 | Saddleback Valley Educators Association, Denise Bradford, President 12/3/2019 **Support**  CSEA, Chris Felde, President 10/21/2019 **Support**  Saddleback Valley Pupil Services Association Kathryn Jaronczy, President 9/23/2019 **Support** | December 12, 2019 | School Site Councils, PTA, DELAC, and school ELACS (10/23/2019) **No objections** |
| 20-12-2019 | San Pasqual Union Elementary School District | **Requested:**  January 1, 2020,  to  December 31, 2020  **Recommended:**  January 1, 2020,  to  December 31, 2020 | San Pasqual Elementary Teachers Association, Michelle McGill, President 10/27/2019 **Support**  The district has no classified bargaining unit. | December 17, 2019 | School Site Council and DELAC (10/27/2019) **No objections** |
| 7-11-2019 | Vallejo City Unified School District | **Requested:**  November 6, 2019,  to  November 5, 2021  **Recommended:**  November 6, 2019,  to  November 4, 2021 | Vallejo Teachers Association, Sheila Gradwohl, President 10/3/2019 **Neutral**  CSEA, Roschelle Weston, Chief Steward 10/4/2019 **Neutral** | November 6, 2019 | School Site Councils and DELAC (10/23/2019) **No objections** |

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# Attachment 2: Adelanto Elementary School District General Waiver Request 9-11-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3667587

Waiver Number: 9-11-2019

Active Year: 2019

Date In: 11/15/2019 1:26:56 PM

Local Education Agency: Adelanto Elementary

Address: 11824 Air Expressway

Adelanto, CA 92301

Start: 11/15/2019

End: 11/13/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: Portions of 5019, 5021, 5030, and all of 5020

Ed Code Authority: Waiver of trustee area election process

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: The Adelanto 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: 8300

City Type: Suburban

Public Hearing Date: 11/12/2019

Public Hearing Advertised: Paper notices posted at school sites and online with the board agenda

Local Board Approval Date: 11/12/2019

Community Council Reviewed By: DELAC

Community Council Reviewed Date: 10/25/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: No

Submitted by: Dr. Amy Nguyen-Hernandez

Position: Superintendent

E-mail: [amy\_nguyen-hernandez@aesd.net](mailto:amy_nguyen-hernandez@aesd.net)

Telephone: 760-246-8691 x10217

Bargaining Unit Date: 10/02/2019  
Name: ADTA  
Representative: Lori Rhodes  
Title: ADTA President  
Position: Neutral  
Comments:

# Attachment 3: Benicia Unified School District General Waiver Request 8-12-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4870524

Waiver Number: 8-12-2019

Active Year: 2019

Date In: 12/17/2019 2:30:54 PM

Local Education Agency: Benicia Unified

Address: 350 East K St.

Benicia, CA 94510

Start: 12/12/2019

End: 12/10/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: This waiver is requested to expedite the efforts of the Benicia 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 2020 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: 4819

City Type: Urban

Public Hearing Date: 12/12/2019

Public Hearing Advertised: Newspaper, internet, and District office

Local Board Approval Date: 12/12/2019

Community Council Reviewed By: School Site Councils for our 7 School Sites. Sites and dates attached and DELAC

Community Council Reviewed Date: 10/24/2019

Community Council Objection: No

Community Council Objection Explanation: Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Georgina Martinez

Position: Chief Assistant to the Superintendent

E-mail: [gmartinez@beniciaunified.org](mailto:gmartinez@beniciaunified.org)

Telephone: 707-748-2611

Fax: 707-748-0146

Bargaining Unit Date: 09/06/2019  
Name: Benica Teachers Association  
Representative: Carolyn Fields  
Title: President  
Position: Neutral  
Comments:

# Attachment 4: Davis Joint Unified School District General Waiver Request 17-11-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 5772678

Waiver Number: 17-11-2019

Active Year: 2019

Date In: 11/22/2019 2:34:46 PM

Local Education Agency: Davis Joint Unified

Address: 526 B St.

Davis, CA 95616

Start: 12/1/2019

End: 12/31/2020

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

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: The Davis Joint 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.

It is imperative that the District adopt these areas and establish this process without delay and without interference because 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: 8587

City Type: Suburban

Public Hearing Date: 11/21/2019

Public Hearing Advertised: Newspaper, internet, posted at all school sites, and 3 public places in the District

Local Board Approval Date: 11/21/2019

Community Council Reviewed By: 16 School Site Councils (SSCs), the District English Language Advisory Committee

Community Council Reviewed Date: 10/25/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Bruce Colby

Position: Chief Business and Operations Officer

E-mail: [bcolby@djusd.net](mailto:bcolby@djusd.net)

Telephone: 530-757-5300 x122

Fax: 530-757-5319

Bargaining Unit Date: 11/12/2019  
Name: California School Employees Association  
Representative: Sande Royval  
Title: President  
Position: Neutral  
Comments:

Bargaining Unit Date: 11/01/2019  
Name: Davis Teacher Association  
Representative: Victor Lagunes  
Title: President  
Position: Neutral  
Comments:

# Attachment 5: Fremont Unified School District General Waiver Request 6-12-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0161176

Waiver Number: 6-12-2019

Active Year: 2019

Date In: 12/12/2019 4:08:09 PM

Local Education Agency: Fremont Unified

Address: 4210 Technology Dr.

Fremont, CA 94538

Start: 12/10/2019

End: 12/8/2021

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 16.

Outcome Rationale: This waiver is requested to expedite the efforts of the Fremont 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 2020 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: 35046

City Type: Urban

Public Hearing Date: 12/10/2019

Public Hearing Advertised: Newspaper, internet, and District office

Local Board Approval Date: 12/10/2019

Community Council Reviewed By: Union leadership to include FUDTA, CSEA, SEIU & FSMA and School Site Council at the Sites.

Community Council Reviewed Date: 10/7/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Kim Wallace

Position: Superintendent

E-mail: [msandoval@fremont.k12.ca.us](mailto:msandoval@fremont.k12.ca.us)

Telephone: 510-659-2542

Fax: 510-659-2597

Bargaining Unit Date: 10/09/2019  
Name: CSEA  
Representative: Joyce Recar  
Title: President  
Position: Neutral

Bargaining Unit Date: 10/15/2019  
Name: FSMA  
Representative: David Thornley  
Title: Vice President  
Position: Support

Bargaining Unit Date: 11/12/2019  
Name: FUDTA  
Representative: Victoria Birbeck-Herrera  
Title: President  
Position: Neutral

Bargaining Unit Date: 10/04/2019  
Name: SEIU  
Representative: Matthew Doeschot  
Title: President  
Position: Support

# Attachment 6: Huntington Beach City Elementary School District General Waiver Request 18-12-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3066530

Waiver Number: 18-12-2019

Active Year: 2019

Date In: 12/20/2019 1:33:55 PM

Local Education Agency: Huntington Beach City Elementary

Address: 8750 Dorsett Dr.

Huntington Beach, CA 92646

Start: 1/1/2020

End: 1/2/2099

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 33050-33053

Ed Code Authority: 5019, 5021, 5030 and all of 5020

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: The district received a letter of demand to change it's election system from an "At-Large" election system to a "Trustee-Area" Election system. Subsequently we adopted a Resolution to request a waiver from the State Board of Education of the requirement that the establishment of trustee areas and adoption of a “by trustee area” election process be submitted to the electors as set forth in *Education Code* §§ 5019 and 5020.

Student Population: 6666

City Type: Suburban

Public Hearing Date: 11/12/2019

Public Hearing Advertised: Newspaper, District website, District Office bulletin board.

Local Board Approval Date: 11/12/2019

Community Council Reviewed By: DAC/DELAC

Community Council Reviewed Date: 11/7/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Jimmy Lambos

Position: Assistant to Superintendent

E-mail: [jlambos@hbcsd.us](mailto:jlambos@hbcsd.us)

Telephone: 714-378-2011

Bargaining Unit Date: 10/03/2019  
Name: California School Employee Association Chapter 316  
Representative: Mark Froncovig  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 10/03/2019  
Name: Huntington Beach Elementary Teachers Association  
Representative: Joy Forgiarini  
Title: President  
Position: Support  
Comments:

# Attachment 7: Los Alamitos Unified School District General Waiver Request 15-12-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3073924

Waiver Number: 15-12-2019

Active Year: 2019

Date In: 12/19/2019 4:22:50 PM

Local Education Agency: Los Alamitos Unified

Address: 10293 Bloomfield St.

Los Alamitos, CA 90720

Start: 1/1/2020

End: 12/31/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: Portions of 5019, 5021, 5030 and all of 5020

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: The Los Alamitos 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.

It is imperative that the District adopt these areas and establish this process without delay and without interference because the District has been presented with a demand letter under the California Voting Rights Act of 2001 (“CVRA”), threatening to sue the District if it does not convert to by-trustee area elections. 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: 9700

City Type: Suburban

Public Hearing Date: 12/10/2019

Public Hearing Advertised: Newspaper, posted at each site, and District Website

Local Board Approval Date: 12/10/2019

Community Council Reviewed By: District Advisory Council (DAC)

Community Council Reviewed Date: 12/16/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Andrew Pulver

Position: Superintendent

E-mail: [apulver@losal.org](mailto:apulver@losal.org)

Telephone: 562-799-4700 x80401

Fax: 562-799-4730

Bargaining Unit Date: 11/06/2019  
Name: California School Employee Association CSEA Chapte  
Representative: Mitch Banales  
Title: CSEA President  
Position: Support  
Comments:

Bargaining Unit Date: 11/06/2019  
Name: Los Alamitos Education Association (LAEA)  
Representative: Stacy Schmitz  
Title: LAEA President  
Position: Support  
Comments:

# Attachment 8: New Haven Unified School District General Waiver Request 14-11-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0161242

Waiver Number: 14-11-2019

Active Year: 2019

Date In: 11/20/2019 8:29:34 AM

Local Education Agency: New Haven Unified

Address: 34200 Alvarado-Niles Rd.

Union City, CA 94587

Start: 11/5/2019

End: 11/4/2021

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

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: This waiver is requested to expedite the efforts of the New Haven 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 2020 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: 11194

City Type: Urban

Public Hearing Date: 11/5/2019

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

Local Board Approval Date: 11/5/2019

Community Council Reviewed By: School Site Councils, ELAC, DELAC and PTC. Please see Attachment B, incorporated by reference.

Community Council Reviewed Date: 10/16/2019

Community Council Objection: No

Community Council Objection Explanation: Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Lori Valdes

Position: Sr. Executive Assistant

E-mail: [lvaldes@nhusd.k12.ca.us](mailto:lvaldes@nhusd.k12.ca.us)

Telephone: 510-476-2623

Fax: 510-487-1200

Bargaining Unit Date: 10/09/2019  
Name: New Haven Teachers Association  
Representative: Joe Angeles  
Title: President, NHTA  
Position: Neutral  
Comments

# Attachment 9: Novato Unified School District General Waiver Request 15-11-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 2165417

Waiver Number: 15-11-2019

Active Year: 2019

Date In: 11/21/2019 11:08:17 AM

Local Education Agency: Novato Unified

Address: 1015 Seventh St.

Novato, CA 94945

Start: 12/1/2019

End: 12/31/2020

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

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: The Novato 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.

It is imperative that the District adopt these areas and establish this process without delay and without interference because 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: 7898

City Type: Suburban

Public Hearing Date: 11/5/2019

Public Hearing Advertised: Newspaper, internet, posted at all school sites, and 3 public places in the District

Local Board Approval Date: 11/5/2019

Community Council Reviewed By: 13 School Site Councils (SSCs), 12 PTA/PTOs, and 13 English Language Advisory Committees

Community Council Reviewed Date: 10/15/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Kris Cosca

Position: Superintendent

E-mail: [kcosca@nusd.org](mailto:kcosca@nusd.org)

Telephone: 415-493-4211

Bargaining Unit Date: 10/19/2019  
Name: California School Employees Association  
Representative: Sandie Vaughn  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 10/09/2019  
Name: Novato Federation of Teachers  
Representative: Mariah Fisher  
Title: President  
Position: Support  
Comments:

# Attachment 10: Oakdale Joint Unified School District General Waiver Request 5-12-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 5075564

Waiver Number: 5-12-2019

Active Year: 2019

Date In: 12/11/2019 2:35:39 PM

Local Education Agency: Oakdale Joint Unified

Address: 168 South Third Ave.

Oakdale, CA 95361

Start: 1/1/2020

End: 12/31/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: The Oakdale Joint 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.

It is imperative that the District adopt these areas and establish this process without delay and without interference because 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: 5400

City Type: Rural

Public Hearing Date: 12/9/2019

Public Hearing Advertised: Advertised in newspaper, internet, and posted at all school sites and 3 public places in the District.

Local Board Approval Date: 12/9/2019

Community Council Reviewed By: School Site Councils and DELAC

Community Council Reviewed Date: 11/14/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Marc Malone

Position: Superintendent

E-mail: [mmalone@ojusd.org](mailto:mmalone@ojusd.org)

Telephone: 209-848-4884

Fax: 209-847-0155

Bargaining Unit Date: 11/15/2019  
Name: Oakdale Teachers Association  
Representative: Keith Burns  
Title: President  
Position: Support  
Comments:

# Attachment 11: Ojai Unified School District General Waiver Request 16-11-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 5672520

Waiver Number: 16-11-2019

Active Year: 2019

Date In: 11/21/2019 1:37:36 PM

Local Education Agency: Ojai Unified

Address: 414 East Ojai Ave.

Ojai, CA 93023

Start: 12/1/2019

End: 12/31/2020

Waiver Renewal: N

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 16.

Outcome Rationale: The Ojai 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.

It is imperative that the District adopt these areas and establish this process without delay and without interference because 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: 2350

City Type: Suburban

Public Hearing Date: 11/20/2019

Public Hearing Advertised: Newspaper, internet, posted at all school sites, and 3 public places in the District

Local Board Approval Date: 11/20/2019

Community Council Reviewed By: Reviewed by 7 school site councils, district ELAC committee

Community Council Reviewed Date: 10/23/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Tiffany Morse

Position: Superintendent

E-mail: [tmorse@ojaiusd.org](mailto:tmorse@ojaiusd.org)

Telephone: 805-640-4300 x1002

Bargaining Unit Date: 10/22/2019  
Name: Ojai Federation of Teachers  
Representative: Angie Genassi  
Title: President, OFT  
Position: Support:

# Attachment 12: Rim of the World Unified School District General Waiver Request 13-12-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3667868

Waiver Number: 13-12-2019

Active Year: 2019

Date In: 12/19/2019 10:46:57 AM

Local Education Agency: Rim of the World Unified

Address: 27315 North Bay Rd.

Blue Jay, CA 92317

Start: 1/1/2020

End: 6/30/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5019,5020,5021, & 5030

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: The Rim of the World 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 from its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference because the District has been presented with a demand letter under the California Voting Rights Act of 2001 (“CVRA”), threatening to sue the District if it does not convert to by-trustee area elections. 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: 3136

City Type: Rural

Public Hearing Date: 12/12/2019

Public Hearing Advertised: Newspaper, School, District Website and Three Public Places

Local Board Approval Date: 12/12/2019

Community Council Reviewed By: PTA, SSC, DLAC Committee and LCAP Stakeholders Committee

Community Council Reviewed Date: 10/30/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Connie Santacruz

Position: Executive Secretary to the Superintendent

E-mail: [connie\_santacruz@rimsd.k12.ca.us](mailto:connie_santacruz@rimsd.k12.ca.us)

Telephone: 909-336-4106

Bargaining Unit Date: 11/19/2019  
Name: California School Employees Association  
Representative: Gina Hartwell  
Title: Unit Member  
Position: Support

Bargaining Unit Date: 11/19/2019  
Name: California Schools Employees Association  
Representative: Duma Burr  
Title: Treasurer  
Position: Support

Bargaining Unit Date: 11/19/2019  
Name: Rim Teachers Association  
Representative: Kristil Cobb  
Title: RTA Negotiations  
Position: Support

# Attachment 13: Saddleback Valley Unified School District General Waiver Request 7-12-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3073635

Waiver Number: 7-12-2019

Active Year: 2019

Date In: 12/16/2019 11:29:57 AM

Local Education Agency: Saddleback Valley Unified

Address: 25631 Peter A. Hartman Way

Mission Viejo, CA 92691

Start: 12/12/2019

End: 12/10/2021

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 16.

Outcome Rationale: This waiver is requested to expedite the efforts of the Saddleback 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 2020 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: 26880

City Type: Urban

Public Hearing Date: 12/12/2019

Public Hearing Advertised: Newspaper, internet, and District Office

Local Board Approval Date: 12/12/2019

Community Council Reviewed By: DELAC, ELAC, SSC, PTA,

Community Council Reviewed Date: 10/23/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Robert Craven

Position: Assistant Superintendent

E-mail: [robert.craven@svusd.org](mailto:robert.craven@svusd.org)

Telephone: 949-580-3361

Bargaining Unit Date: 10/21/2019  
Name: CSEA  
Representative: Chris Felde  
Title: President  
Position: Support  
Comments:   
  
Bargaining Unit Date: 12/03/2019  
Name: Saddleback Valley Educators Association  
Representative: Denise Bradford  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 09/23/2019  
Name: SVPSA  
Representative: Kathryn Jaronczy  
Title: President  
Position: Support  
Comments:

# Attachment 14: San Pasqual Union Elementary School District General Waiver Request 20-12-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3768353

Waiver Number: 20-12-2019

Active Year: 2019

Date In: 12/23/2019 10:36:55 AM

Local Education Agency: San Pasqual Union Elementary

Address: 15305 Rockwood Rd.

Escondido, CA 92027

Start: 1/1/2020

End: 12/31/2020

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

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: The San Pasqual Union 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.

It is imperative that the District adopt these areas and establish this process without delay and without interference in order that the District may avoid liability under the California Voting Rights Act of 2001 (“CVRA”). 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: 585

City Type: Rural

Public Hearing Date: 12/17/2019

Public Hearing Advertised: Newspaper, Internet, posted at all school sites and 3 public places in the district

Local Board Approval Date: 12/17/2019

Community Council Reviewed By: School Site Council, DELAC

Community Council Reviewed Date: 10/27/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Mark Burroughs

Position: Superintendent

E-mail: [mark.burroughs@sanpasqualunion.net](mailto:mark.burroughs@sanpasqualunion.net)

Telephone: 760-745-4931

Bargaining Unit Date: 10/27/2019  
Name: San Pasqual Elementary Teachers Association  
Representative: Michelle McGill  
Title: President  
Position: Support  
Comments:

# Attachment 15: Vallejo City Unified School District General Waiver Request 7-11-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4870581

Waiver Number: 7-11-2019

Active Year: 2019

Date In: 11/14/2019 9:27:29 AM

Local Education Agency: Vallejo City Unified

Address: 665 Walnut Ave.

Vallejo, CA 94592

Start: 11/6/2019

End: 11/5/2021

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

*Education Code* or *CCR* to Waive: See Attachment 16.

Outcome Rationale: This waiver is requested to expedite the efforts of the Vallejo City 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 2020 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: 12500

City Type: Urban

Public Hearing Date: 11/6/2019

Public Hearing Advertised: Newspaper, internet, and District office

Local Board Approval Date: 11/6/2019

Community Council Reviewed By: DELAC, VEA, CSEA, School Site Council,

Community Council Reviewed Date: 10/23/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Adam Clark

Position: Superintendent

E-mail: [aclark@vcusd.org](mailto:aclark@vcusd.org)

Telephone: 707-556-8921 x5000:

# Attachment 16: California *Education Code* Sections 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 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.