

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education January 2022 Agenda Item #W-08

## Subject

Request by **San Juan Unified School District** to waive California *Education Code* sections 5020 and 5022, and portions of sections 5018 and 5019, which will allow the district governing board to increase the number of board members from five to seven and fill the two additional board seats through an election.

## Waiver Number

3-10-2021

## Type of Action

Action, Consent

## Summary of the Issue(s)

California *Education Code* (*EC*) Section 5020 requires that a proposal to increase the size of a school district governing board from five to seven members be submitted to the district’s voters for final approval. If the increase to seven board members is approved, *EC* Section 5022 requires the district governing board to appoint the two additional board members.

The San Juan Unified School District (USD) currently is in the process of establishing a by-trustee-area method of election.[[1]](#footnote-1) As part of this process, the district governing board has approved a proposal to increase the size of its governing board from five to seven members. The San Juan USD requests that the California State Board of Education (SBE) remove the requirement in *EC* Section 5020 that district voters approve a proposal to increase the size of the governing board from five to seven members. The San Juan USD further requests that the SBE remove the requirement in *EC* Section 5022 that the governing board appoint the two additional members and, instead, replace it with the requirement that district voters elect them.

If the SBE approves the San Juan USD waiver, the district governing board will act to increase the number of members of the board by two and the two additional members will be selected by voters of the district at a future governing board election.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

Given the lack of local opposition to the waiver request and the CDE determination that none of the reasons for denial in *EC* Section 33051(a) exist, the CDE recommends that the SBE approve waiver of the following with the two conditions listed below:

1. *EC* Section 5018 (portions)—to provide the governing board of the San Juan USD authority to increase the number of members on the board by two and require that voters in the district select the two additional board members.
2. *EC* Section 5022 (all)—to remove the requirement that the San Juan USD board appoint the additional members of the board.
3. *EC* Section 5020 (portions)—to remove the requirement that Sacramento County Committee approval of the San Juan USD proposal to increase its board from five to seven members be submitted to voters of the district.

The California Department of Education (CDE) recommends the following two conditions be placed on SBE approval of the request by the San Juan USD:

1. Waiver of the requested portion of *EC* Section 5019 not be included as part of the SBE’s approval.
   * The Sacramento County Committee already has acted to approve the increase in the size of the San Juan USD governing board. The CDE does not believe it is appropriate for the San Juan USD to request waiver of the authority of another local educational agency (LEA) after that LEA already has acted under that authority; and
2. Only portions of *EC* Section 5020 be included in the SBE’s approval.
   * At its May 2020 meeting, the SBE approved waiver of *EC* Section 5020 only for the purpose of eliminating the requirement that a proposal to establish a by-trustee-area method of election be submitted to district voters. For the current waiver request, the CDE recommends waiving only those portions of *EC* Section 5020 that pertain to the district’s intent that its proposal to increase the size of the governing board not be submitted to district voters for approval. Attachment 4 contains the portions of *EC* Section 5020 recommended for waiver by the CDE.

## Summary of Key Issues

### Background

In March 2020, the district began the process to establish a by-trustee-area method of election with an intent that this election method be in place for the November 2020 governing board election. As part of that process, the district requested and received SBE approval for a waiver of the requirement to submit the by-trustee-area election method to district voters for approval at its May 2020 meeting (see May 2020 agenda item at: <https://www.cde.ca.gov/be/ag/ag/yr20/documents/may20w07.docx>).

However, due to COVID-19 concerns, Governor Newsom issued Executive Orders that allowed a hold to be placed on the required public hearing timelines for establishing by-trustee-area methods of election. As a result, the district’s efforts to establish such an election method were delayed.[[2]](#footnote-2)

After the Executive Orders were lifted on June 30, 2021, the San Juan USD restarted the public hearing component of the process. Through this public outreach, the district recognized the community interest in increasing the size of the governing board from five to seven members, and included this increase in the district’s proposal to establish a by-trustee-area method of election.

On July 7, 2021, the San Juan USD governing board approved a proposal to increase the size of the board from five to seven and to establish a by-trustee-area method of election with seven trustee areas. The Sacramento County Committee approved the district’s proposal on August 5, 2021.

### Effects of Waiver

*EC* Section 5022 requires the district governing board to appoint the two additional board members when the size of the board is increased from five to seven. However, *EC* Section 5018 allows an elementary school district with a three-member board to increase the size of the board to five, in which case the two additional members would be elected at an upcoming established election date (pursuant to *Elections Code* Section 1000) as determined by the governing board.

An SBE-approved waiver of the recommended portions of *EC* Section 5018 (see Attachment 4) and all of *EC* Section 5022 allows the San Juan USD to act under *EC* Section 5018 to increase the size of its board and allow district voters to select the two additional board members at an upcoming established election date.[[3]](#footnote-3)

Waiver of the recommended portions of *EC* Section 5020 (see Attachment 4) removes the requirement that the district’s proposal to increase the size of the governing board be submitted to district voters.

**Demographic Information:** The San Juan USD has a student population of 39,500 and is located in a suburban area of Sacramento 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 not approved a previous waiver to replace a school district’s authority to appoint additional board members with the ability to call an election to select those members. At its July 2021 meeting, the SBE did approve a waiver to replace the ability of a district to conduct an election to select additional board members with the authority to appoint those members.

The SBE has approved approximately 250 waivers of *EC* Section 5020 for the purpose of removing the requirement that County Committee approval of a district’s proposal for a by-trustee-area method of election be submitted to district voters for final approval. However, it has not approved a waiver of *EC* Section 5020 for the purpose of removing the requirement that County Committee approval of a district’s proposal to increase the size of the governing board be submitted to district voters.

## 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 additional election costs for the San Juan USD.

## Attachment(s)

* **Attachment 1:** Summary Table (2 pages)
* **Attachment 2:** San Juan Unified School District General Waiver Request  
  3-10-2021 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** San Juan Unified School District Waiver Cover Letter  
  (5 pages)
* **Attachment 4:** California *Education Code* Sections Recommended for Waiver (4 pages)

# Attachment 1: Summary Table

California *Education Code* Section 5022, and portions ofsections 5018 and 5020

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted** | **Public Hearing and Board Date** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 3-10-2021 | San Juan Unified School District | **Requested:**  August 1, 2021, to December 31, 2022  **Recommended:** August 1, 2021, to December 31, 2022 | San Juan Teachers Association, Barry Roth, President 7/20/2021 **Support**  California School Employees Association, Karen Smith, President 9/13/2021 **Neutral**  San Juan Professional Educators Coalition, Richard Judge, President 7/20/2020 **Support**  San Juan Supervisors Association, Cherie Chenoweth, President 7/26/2021 **Support**  *Continued on next page.* | July 27, 2021 | Facilities Committee and Curriculum, Standards, Instructional & Student Services Board Committee 10/5/2021  **No objections** |
| 3-10-2021 | San Juan Unified School District | **Requested:**  August 1, 2021, to December 31, 2022  **Recommended:** August 1, 2021, to December 31, 2022 | Teamsters, Alan Daurie, Business Agent 7/26/2021 **Support** | July 27, 2021 | Facilities Committee and Curriculum, Standards, Instructional & Student Services Board Committee 10/5/2021  **No objections** |

Created by California Department of Education  
November 2021

# Attachment 2: San Juan Unified School District General Waiver Request 3-10-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3467447

Waiver Number: 3-10-2021

Active Year: 2021

Date In: 10/18/2021 1:19:58 PM

Local Education Agency: San Juan Unified

Address: 3738 Walnut Ave.

Carmichael, CA 95608

Start: 8/1/2021

End: 12/31/2022

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: portions of 5018, portions of 5019, and all of 5020 and 5022.

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 3.

Outcome Rationale: See attached cover letter.

Student Population: 39500

City Type: Suburban

Public Hearing Date: 7/27/2021

Public Hearing Advertised: THe Sacramento Bee on 7/23/2021, posting of Board agenda on District websites

Local Board Approval Date: 7/27/2021

Community Council Reviewed By: Facilities Committee and Curriculum, Standards, Instructional & Student Services Board Committee

Community Council Reviewed Date: 10/5/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Michelle Cannon

Position: Counsel

E-mail: [mcannon@lozanosmith.com](mailto:mcannon@lozanosmith.com)

Telephone: 916-329-7433

Fax: 916-971-7704

Bargaining Unit Date: 09/13/2021

Name: California School Employees Association

Representative: Karen Smith

Title: president, CSEA

Phone:

Position: Neutral

Comments:

Bargaining Unit Date: 07/20/2021

Name: San Juan Professional Educators Coalition

Representative: Richard Judge

Title: president

Phone: 916-971-7967

Position: Support

Comments:

Bargaining Unit Date: 07/26/2021

Name: San Juan Supervisors Association

Representative: Cherie Chenoweth

Title: president

Phone: 916-979-8629

Position: Support

Comments:

Bargaining Unit Date: 07/20/2021

Name: San Juan Teachers Association

Representative: Barry Roth

Title: President, SJTA

Phone: 916-487-7582

Position: Support

Comments:

Bargaining Unit Date: 07/26/2021

Name: Teamsters

Representative: Alan Daurie

Title: Business Agent

Phone: (916) 392-7070 extension 17

Position: Support

Comments:

# Attachment 3: San Juan Unified School District Waiver Cover Letter

San Juan Unified School District

*Kent Kern, Superintendent of Schools*

3738 Walnut Avenue, Carmichael, California 95608

P.O. Box 477, Carmichael, California 95609-0477

Telephone (916) 971-7104; FAX (916) 971-7070

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*Board of Education*

Paula Villescaz, President

Michael McKibbin, Ed.D., Vice President

Zima Creason, Clerk

Pam Costa, Member

Saul Hernandez, Member

(**Via Electronic Filing and U.S. Mail**)

October 18, 2021

State Board of Education

1430 N Street

Sacramento, CA 95814

Re: San Juan Unified School District

Request for Waiver

Dear State Board of Education:

I am writing today on behalf of the San Juan Unified School District (“District”) to respectfully submit the Board of Education’s (“Board”) request for a waiver of certain Education Code sections. I hope that this letter provides clarity on the District’s process to this point, as well as the reasoning and rationale behind this waiver request.

## The District’s Process Under the CVRA

* 1. The District began the transition to by-trustee area elections in March 2020.

The Board is currently elected under an “at-large” election system, where trustees are elected by voters of the entire District. Upon consideration of the California Voting Rights Act (“CVRA”), on March 10, 2020, the Board adopted Resolution No. 2982, declaring its intent to transition from at-large to by-trustee area elections, where each board member must reside within the designated trustee area boundary, and is elected only by voters in that trustee area. As part of this transition process, on March 10, 2020, the Board adopted Resolution Number 2983, authorizing the superintendent to seek a waiver of the Education Code section 5020’s election requirement from the State Board of Education (“SBE”). In May 2020, the State Board of Education (“SBE”) granted the District’s waiver request, thereby waiving the election requirement related to the board’s transition to by-trustee area elections through March 8, 2022.

* 1. The District’s transition was placed on “hold” during the COVID-19 pandemic in response to the Executive Orders issued by Governor Newsom.

In early 2020, Governor Newsom issued Executive Orders N-34-20 and N-48-20 in response to the COVID-19 pandemic, “tolling” the timelines related to the District’s transition from at-large to by-trustee area elections. Due to the Governor’s Executive Orders, the District’s transition from at-large to by-trustee area board elections was placed on hold. OnJune 11, 2021, Governor Newsom issued Executive Order N-08-21, lifting the “tolling” on the timelines related to the District’s transition from at-large to by-trustee area board elections, effective July 1, 2021. As a result, the district immediately resumed the transition process by holding a public hearing on July 1, 2021.

* 1. Members of the community requested the Board consider an increase to seven members.

Throughout the process, the Board held five public hearings during board meetings to gather public input. The District also engaged in significant outreach to members of the public outside of the board meeting setting, including holding multiple community outreach meetings at Dyer-Kelly Elementary School, Greer Elementary School, Mira Loma High School, Mesa Verde High School, Casa Roble Fundamental High School, the District Office (3738 Walnut Avenue, Carmichael), and online twice via Zoom. Through this public outreach, the District recognized a number of community members requesting that simultaneous with the adoption of by-trustee area voting, the Board should consider increasing its composition to seven (7) members to allow greater representation. As a result of this public input, the Board took action on July 27, 2021, to:

* increase to seven members,
* adopt by-trustee area elections,
* adopt a trustee area map that includes seven trustee areas, and
* submit a proposal to the Sacramento County Committee on School District Organization (“County Committee”).

The County Committee approved the District’s proposal in full at its August 5, 2021, meeting.

## Current Waiver Request

On July 27, 2021, after a public hearing on the matter, the Board adopted Resolution No 3063, authorizing the District to seek a waiver from the SBE relating to the increase in board membership from five to seven. Through this current waiver request, the District is seeking a waiver of portions of Education Code sections 5018 and 5019, as well as a full waiver of Education Code sections 5020 and 5022.

The intent of this waiver request is to allow the increase in board membership to occur during the November 2022 election, such that:

(A) the two new seats on the board will be elected at the November 2022 regularly scheduled board elections;

(B) ensure that the District’s elections remain in even-numbered years; and

(C) the terms of the two new seats on the board will begin on the second Friday in December after the 2022 election in accordance with Education Code section 5017.

It is important to the District that the two newly created seats be filled by election of the District’s constituents at a regular election instead of new members being appointed directly by the Board. The Board believes that election during the regular election cycle for these new seats is in the best interest of transparency, community involvement, and opportunity for all interested in serving on the Board.

As described in the online waiver submittal, the District met with advisory committees and received either approval for seeking the waiver or a position of neutral from these groups. To clarify one matter, the District’s Curriculum and Standard’s Committee did not reach a majority decision to either “support” or take a “neutral” position as four (4) members voted in favor of the increase in board membership, three (3) voted to be “neutral,” and three (3) were absent from the meeting. However, this results in a majority of that committee of those present voting to either support the waiver or to be neutral on it.

1. Request to waive portions of section 5018.

Education Code section 5018 allows for certain elementary schools to increase their board membership from three to five members with an election at an upcoming election date determined by the board. It further provides detail around filing of candidacy for office and the term of office for the newly created board seats. The District’s waiver requests certain provisions of this be waived, including the reference to elementary districts and increasing from three to five. By waiving the requested provisions, section 5018 provides a streamlined manner for the District to increase the size of its board to seven and to allow for an election at the next regular election.

1. Section 5020’s voter approval requirement.

When a county committee on school district organization approves a district’s request to increase board membership from five to seven members, Education Code section 5020 requires the county committee’s resolution approving the increase be submitted to the electorate for approval. We note that the District already sought and was granted a waiver of the same language in Education Code section 5020 in May 2020, in relation to the Board’s transition to by-trustee area elections. (The specific language in 5020 that requires voter approval applies to both the transition to by-trustee area elections and the increase in board membership.) However, in an abundance of caution, the District is seeking this second waiver to ensure that the waiver of Education Code section 5020 also removes the voter approval requirement related to the increase in board membership from five to seven.

With this in mind, the District is requesting a waiver of the election requirement in Education Code section 5020, as well as a partial waiver of language in sections 5018 and 5019, as they relate to that election requirement. Education Code sections 33050-33053 authorize the SBE to waive this voter approval requirement.

1. Request to waive section 5022’s appointment requirement.

When a governing board increases from five to seven members, Education Code section 5022 requires the board to appoint the two new members “with the term of one of those two additional appointees being designated to expire on the first Friday in December of the next succeeding odd-numbered year and the term of the other appointee being designated to expire on the first Friday in December of the second succeeding odd-numbered year.” In other words, upon an increase to seven board members, Education Code section 5022 requires the board to:

* Appoint the two new members;
* With the term of one appointee to expire on the first Friday in December next succeeding the next **odd-numbered** year; and
* The term of the second appointee to expire on the first Friday in December of the second succeeding **odd-numbered** year.

This appointment process is both problematic and illogical, because:

* The District’s elections are held in *even-numbered years*, not odd years. Therefore, if Education Code section 5022 is *not waived*, vacancies will automatically occur on the board in 2023 and 2025.
* In addition, Education Code section 5022 incorrectly states that board member terms expire on the *first* Friday in December even though Education Code section 5017 was recently updated so that terms for school board members expire on the *second* Friday in December. Therefore, if Education Code section 5022 is *not waived*, the terms of the board members elected in November 2022, will start on an incorrect date.

As a result, the Board is requesting a waiver of Education Code section 5022, **to allow the two new board members to be elected at the regularly scheduled board elections in November 2022**, and serve four-year terms, rather than be appointed to two-year terms that do not match the District’s even-year election cycles. Education Code sections 33050-33053 authorize the SBE to waive this voter approval requirement.

1. The intent of seeking this waiver is to ensure implementation of the District’s by-trustee area election system and increase in board membership from five to seven at the November 2022, regularly scheduled board elections.

As noted above, the intent of this waiver request is to allow the increase in board membership to occur during the November 2022, election, such that:

(A) the two new seats on the board will be elected at the November 2022 regularly scheduled board elections;

(B) ensure that the District’s elections remain in even-numbered years; and

(C) the terms of the two new seats on the board will begin on the second Friday in December after the 2022 election in accordance with Education Code section 5017.

Therefore, the Board will remain at five members until the second Friday in December (December 9, 2022) after the 2022 election, at which time the Board will be comprised of seven (7) members.

I hope you find this information helpful. If you have any questions, please feel free to reach out to me at any time.

Sincerely,

Kent Kern, Superintendent

San Juan Unified School District

# Attachment 4: California *Education Code* Sections Recommended for Waiver

Request to waive *Education Code* Section 5022, and portions of *Education Code* sections 5018 and 5020, which will allow the district governing board to increase the number of board members from five to seven and fill the two additional board seats through an election. Language proposed to be waived is bracketed and in italics below:

***Education Code* Section 5018.**

Any **[***elementary* **]**school district **[***having a governing board of three members* **]**may, **[***and any elementary school district having a governing board of three members whose average daily attendance during the preceding fiscal year was 300 or more shall do either of the following*:**]**

**[** *(a) By its own action* **]**determine that the number of members of the governing board **[***shall***]** be increased **[***to five*,**]** in which case two additional members shall be elected at an upcoming established election date, as specified in Section 1000 of the Elections Code, determined by the board.

**[** *(b)Request the county superintendent of schools having jurisdiction to submit the question of whether the number of members of the governing board shall be increased to five to the voters of the elementary school district at an upcoming established election date, as specified in Section 1000 of the Elections Code, determined by the county superintendent of schools. At the same election, two additional members shall be elected to take office if the number of governing board members is increased.*

*Candidates for the two additional offices shall state in the declarations of candidacy filed for the election that the candidates are candidates for the two additional offices separately from the other offices to be filled in the election and shall clearly indicate to the voters that they may vote for two of the candidates to take office if the voters approve the proposed increase in the number of board members.*

*If the voters at the election do not approve the increase in membership of the governing board, the same question may be submitted to the voters at subsequent governing board member elections. Requests to the county superintendent to submit the question to the voters of a district shall be filed with him or her by the governing board of the district no later than 100 days prior to the election.*

*If, pursuant to either subdivision (a) or subdivision (b), two additional governing board members are authorized and elected, the one receiving the higher number of votes shall hold office for a term commencing the first day of the month following the election until the first Friday in December in the second succeeding year following the election in which a regular governing board election is held, and the other one shall hold office for a term commencing the first day of the month following the election until the first Friday in December in the first succeeding year following the election in which a regular governing board election is held. Thereafter the governing board shall be composed of five members elected in the same manner and for the same term as governing boards having five members*.**]**

***Education Code* Section 5020.**

(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.”

***Education Code* Section 5022.**

**[***If the number of members of the governing board is increased from five to seven, the two additional members of the board of trustees shall be appointed by the governing board of the district, with the term of one of those two additional appointees being designated to expire on the first Friday in December of the next succeeding odd-numbered year and the term of the other appointee being designated to expire on the first Friday in December of the second succeeding odd-numbered year*.**]**

1. In May 2020, the San Juan USD’s request to waive the requirement to submit its by-trustee-area election method proposal to district voters was approved. [↑](#footnote-ref-1)
2. For more detailed information regarding the district’s efforts in this process, see Attachment 3 (San Juan USD waiver submittal cover letter). [↑](#footnote-ref-2)
3. At its July 2021 meeting, the SBE approved a request from the Laguna Joint Elementary School District (Marin County) to waive portions of *EC* sections 5018 and 5022 (<https://www.cde.ca.gov/be/ag/ag/yr21/documents/jul21w06.docx>). The purpose of the waiver was to allow the district to appoint (under *EC* Section 5022) rather than conduct an election (under *EC* Section 5018) to select the two additional board members when the membership of the board increased in size. [↑](#footnote-ref-3)