

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education March 2018 Agenda Item #W-06

## Subject

Request by 15 local educational agencies to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

## Waiver Number

* Cajon Valley Union School District 2-1-2018
* Carlsbad Unified School District 20-12-2017
* Covina-Valley Unified School District 10-1-2018
* Cucamonga Elementary School District 1-12-2017
* Etiwanda Elementary School District 7-11-2017
* Martinez Unified School District 33-12-2017
* Murrieta Valley Unified School District 30-12-2017
* Newport-Mesa Unified School District 23-12-2017
* Oceanside Unified School District 8-12-2017
* Placentia-Yorba Linda Unified School District 7-12-2017
* Redwood City Elementary School District 29-12-2017
* San Benito High School District 35-12-2017
* San Dieguito Union High School District 19-12-2017
* Westminster Unified School District 11-1-2018
* Yucaipa-Calimesa Unified School District 9-1-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

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

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Cajon Valley Union School District (SD), Carlsbad Unified School District (USD), the Covina-Valley USD, the Cucamonga Elementary School District (ESD), the Etiwanda ESD, the Martinez USD, the Murrieta Valley USD, the Newport-Mesa USD, the Oceanside USD, the Placentia-Yorba Linda USD, the Redwood City ESD, the San Benito High School District (HSD), the San Dieguito Union HSD, the Westminster USD, and the Yucaipa-Calimesa Joint USD request that the California State Board of Education (SBE) waive the requirement that by-trustee-area election methods be approved at districtwide elections—allowing by-trustee-area elections to be adopted upon review and approval of the appropriate County Committee.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

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

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

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

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

The waiver requests have been reviewed by the CDE and it has been determined that there was no significant public opposition to the waivers at the public hearings held by the governing boards of the districts. The CDE has further determined that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends the SBE approve the requests by the Cajon Valley Union School District (SD), Carlsbad Unified School District (USD), the Covina-Valley USD, the Cucamonga Elementary School District (ESD), the Etiwanda ESD, the Martinez USD, the Murrieta Valley USD, the Newport-Mesa USD, the Oceanside USD, the Placentia-Yorba Linda USD, the Redwood City ESD, the San Benito High School District (HSD), the San Dieguito Union HSD, the Westminster USD, and the Yucaipa-Calimesa Joint USD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

**Demographic Information:** The Cajon Valley Union SD has a student population of 16,294 and is located in a suburban area of San Diego County.

The Carlsbad USD has a student population of 11,510 and is located in a suburban area of San Diego County

The Covina-Valley USD has a student population of 11,716 and is located in a rural area of Los Angeles County

The Cucamonga ESD has a student population of 2,461 and is located in a suburban area of San Bernardino County.

The Etiwanda ESD has a student population of 14,120 and is located in an urban area of San Bernardino County.

The Martinez USD has a student population of 4,158 and is located in a suburban area of Contra Costa County.

The Murrieta Valley USD has a student population of 22,917 and is located in a suburban area of Riverside County

The Newport-Mesa USD has a student population of 21,255 and is located in a suburban area of Orange County.

The Oceanside USD has a student population of 18,379 and is located in an urban area of San Diego County.

The Placentia-Yorba Linda USD has a student population of 25,399 and is located in a suburban area of Orange County.

The Redwood City ESD has a student population of 7,726 and is located in an urban area of San Mateo County.

The San Benito HSD has a student population of 3,075 and is located in a rural area of San Benito County.

The San Dieguito Union HSD has a student population of 12,940 and is located in an urban area of San Diego County.

The Westminster USD has a student population of 9,254 and is located in an urban area of Orange County.

The Yucaipa-Calimesa Joint USD has a student population of 9,084 and is located in a suburban area of San Bernardino 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/codesdisplaySection.xhtml?lawCode=EDC&sectionNum=33051>.

## Summary of Previous State Board of Education Discussion and Action

The SBE has approved over 135 similar waivers—most recently for the Dublin USD (Alameda County) and the San Marcos USD (San Diego County) at the January 2018 SBE meeting.

## Fiscal Analysis (as appropriate)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency. Failure to approve the requests will result in additional costs to the Cajon Valley Union School District (SD), Carlsbad Unified School District (USD), the Covina-Valley USD, the Cucamonga Elementary School District (ESD), the Etiwanda ESD, the Martinez USD, the Murrieta Valley USD, the Newport-Mesa USD, the Oceanside USD, the Placentia-Yorba Linda USD, the Redwood City ESD, the San Benito High School District (HSD), the San Dieguito Union HSD, the Westminster USD, and the Yucaipa-Calimesa Joint USD for districtwide elections.

## Attachment(s)

* **Attachment 1**: Summary Table (8 pages)
* **Attachment 2**: Cajon Valley Union School District General Waiver Request  
  2-1-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3**: Carlsbad Unified School District General Waiver Request  
  20-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4**: Covina-Valley Unified School District General Waiver Request  
  10-1-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5**: Cucamonga Elementary School District General Waiver Request 1-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6**: Etiwanda Elementary School District General Waiver Request 7-11-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7**: Martinez Unified School District General Waiver Request  
  33-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8**: Murrieta Valley Unified School District General Waiver Request 30-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 9**: Newport-Mesa Unified School District General Waiver Request 23-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 10**: Oceanside Unified School District General Waiver Request  
  8-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 11**: Placentia-Yorba Linda Unified School District General Waiver Request 7-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 12**: Redwood City Elementary School District General Waiver Request 29-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 13**: San Benito High School District General Waiver Request  
  35-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.
* **Attachment 14**: San Dieguito Union High School District General Waiver Request 19-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 15**: Westminster Unified School District General Waiver Request  
  11-1-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 16**: Yucaipa-Calimesa Joint Unified School District General Waiver Request 9-1-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 17**: California *Education Code* Proposed for Waiver (5 pages)

# Attachment 1: Summary Table

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

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted** | **Public Hearing and Board Dates** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| **2-1-2018** | Cajon Valley Union School District | **Requested:**  June 1, 2018  to  May 31, 2020  **Recommended:**  June 1, 2018  to  May 30, 2020 | Cajon Valley Education Association,  Chris Prokop, President  10/4/2017  **Neutral**  California School Employees Association,  Mark Reagles, President  10/4/2017  **Support**  Cajon Valley Supervisory Association,  Gordy McNary, President  10/4/2017  **Support** | 12/14/2017 | School Site Councils and English Learner Advisory Committees; District English Learner Advisory Committee (12/1/2017)  **No objections** |
| **20-12-2017** | Carlsbad Unified School District | **Requested:**  March 1, 2018  to  February 29, 2020  **Recommended:**  March 1, 2018  to  February 28, 2020 | Carlsbad Teachers Association,  Amanda Fanning, President  10/12/2017  **Neutral**  Laborers International Union of North America,  Heather Gearing, President  9/14/2017  **Support** | Public Hearing:  9/20/2017  Board Approval:  10/18/2017 | School Site Councils; Parent-Superintendent Advisory Council; District English Learner Advisory Committee (11/17/2017)  **No objections** |
| **10-1-2018** | Covina-Valley Unified School District | **Requested:**  January 1, 2018  to  December 30, 2019  **Recommended:**  January 1, 2018  to  December 30, 2019 | Covina Unified Education Association,  Sita Rampershad, President  12/11/2017  **Support**  California School Employees Association,  Vivian Garcia, President  12/11/2017  **Support**  Covina-Valley Association of School Psychologists,  Martha Engle, President  12/11/2017  **Neutral** | 12/18/2017 | All School Site Councils; District English Learner Advisory Committee (11/27/2017)  **No objections** |
| **1-12-2017** | Cucamonga Elementary School District | **Requested:**  December 1, 2017  to  November 30, 2019  **Recommended:**  December 1, 2017  to  November 29, 2019 | Cucamonga Teachers Association,  David Martin, President  10/17/2017  **Support**  California School Employees Association,  Ron Spears, President  10/24/2017  **Support** | 11/9/2017 | School Site Councils; District Advisory Committee; District English Learner Advisory Committee; English Learner Advisory Committees (9/15/2017-11/7/2017)  **No objections** |
| **7-11-2017** | Etiwanda Elementary School District | **Requested:**  October 26, 2017  to  December 31, 2018  **Recommended:**  October 26, 2017  to  December 31, 2018 | Etiwanda Teachers Association,  Michele Jacks, President  7/25/2017  **Support**  This district has no classified employees bargaining unit. | 10/26/2017 | School Site Councils; District Advisory Committee; District English Learner Advisory Committee; Local Control and Accountability Plan Advisory Committee; Parent-Teacher Association/Parent-Teacher Organization Presidents Group; African-American Parent Group (9/19/2017-11/2/2017)  **No objections** |
| **33-12-2017** | Martinez Unified School District | **Requested:**  January 1, 2018  to  December 31, 2018  **Recommended:**  January 1, 2018  to  December 31, 2018 | Martinez Education Association,  Brenda Navarro, President  12/6/2017  **Support**  California School Employees Association,  Kevin Stein  President  12/6/2017  **Support** | 12/11/2017 | District English Learner Advisory Committee; Parent-Teacher Association  (12/8/2017)  **No objections** |
| **30-12-2018** | Murrieta Valley Unified School District | **Requested:**  January 1, 2018  to  December 31, 2018  **Recommended:**  January 1, 2018  to  December 31, 2018 | Murrieta Teachers Association,  Tom Kuzma, President  12/6/2017  **Support**  California School Employees Association,  Ramona Hillis, President  12/7/2017  **Support** | 12/14/2017 | Council Parent-Teacher Association; African-American Parent Advisory Group; Latino Parent Advisory Group; English Learner Advisory Committees (12/7/2017)  **No objections** |
| **23-12-2017** | Newport-Mesa Unified School District | **Requested:**  July 1, 2017  to  June 30, 2019  **Recommended:**  July 1, 2017  to  June 29, 2019 | Newport-Mesa Federation of Teachers,  Britt Dowdy, President  10/6/2017  **Support**  California School Employees Association,  Pamela Saunders, President  10/6/2017  **Neutral** | 10/24/2017 | All School Site Councils (10/6/2017–10/20/17).  **No objections** |
| **8-12-2017** | Oceanside Unified School District | **Requested:**  July 25, 2017  to  July 24, 2019  **Recommended:**  July 25, 2017  to  July 23, 2019 | Oceanside Teachers Association,  Jennifer Skellett, President  6/21/2017  **Support**  California School Employees Association,  Colette Leyva, President  6/21/2017  **Support** | 7/25/2017 | District Parent Advisory Committee (11/29/2017).  **No objections** |
| **7-12-2017** | Placentia-Yorba Linda Unified School District | **Requested:**  April 1, 2018  to  March 30, 2020  **Recommended:**  April 1, 2018  to  March 30, 2020 | Association of Placentia-Linda Educators,  Linda Manion, President  11/1/2017  **Support**  California School Employees Association,  Job Suarez, President  11/7/2017  **Support** | 11/7/2017 | District English Learner Advisory Committee; Parent/Teacher Association; Teacher Advisory Council; Superintendent's Community Advisory Council; Placentia Managers  (11/6/2017)  **No objections** |
| **29-12-2017** | Redwood City Elementary School District | **Requested:**  January 1, 2018  to  December 31, 2018  **Recommended:**  January 1, 2018  to  December 31, 2018 | Redwood City Teachers Association,  Brian Cagle, Chief Negotiator  11/27/2017  **Neutral**  California School Employees Association,  Eneida Aquino, President  12/8/2017  **Neutral** | 12/12/2017 | Superintendents Advisory Council for Parents  (12/11/2017)  **No objections** |
| **35-12-2017** | San Benito High School District | **Requested:**  January 1, 2018  to  December 31, 2018  **Recommended:**  January 1, 2018  to  December 31, 2018 | San Benito High School Teachers Association,  Mark Krause, President  12/7/2017  **Support**  California School Employees Association,  Honor Spencer, President  12/15/2017  **Support** | 12/13/2017 | League of United Latin American Citizens (12/13/2017  **No objections** |
| **19-12-2017** | San Dieguito Union High School District | **Requested:**  December 14, 2017  to  December 13, 2019  **Recommended:**  December 14, 2017  to  December 12, 2019 | San Dieguito Faculty Association,  Tim Staycer, President  11/1/2017  **Support**  California School Employees Association,  Matt Collwell, President  11/9/2017  **Support** | 12/14/2017 | School Site Councils; Parent Curriculum Advisory Committee; District English Learner Advisory Committee; Parent Site Representatives Council  (10/9/2017-12/5/2017) **No objections** |
| **11-1-2018** | Westminster Unified School District | **Requested:**  January 1, 2018  to  December 30, 2019  **Recommended:**  January 1, 2018  to  December 30, 2019 | Westminster Teachers Association,  Heidi Cordova, Political Action Committee Chair  10/25/2017  **Neutral**  California School Employees Association,  Peter Barajas, President  10/25/2017  **Neutral** | 11/9/2017 | All school site English Learner Advisory Committees; District Advisory Committee; District English Learner Advisory Committee  (10/2/2017).  **No objections** |
| **9-1-2018** | Yucaipa-Calimesa Joint Unified School District | **Requested:**  November 7, 2017  to  November 6, 2018  **Recommended:**  November 7, 2017  to  November 6, 2018 | Yucaipa-Calimesa Educators Association,  Randy Peters, President  10/26/2017  **Neutral**  California School Employees Association,  Melissa Snow, President  11/2/2017  **Support** | 12/12/2017 | Parent Advisory Committee; District English Learner Advisory Committee; Community Cabinet  (10/23/2017)  **No objections** |

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# Attachment 2: Cajon Valley Union School District Waiver Request 2-1-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3767991

Waiver Number: 2-1-2018

Active Year: 2018

Date In: 1/2/2018 2:26:46 PM

Local Education Agency: Cajon Valley Union School District

Address: 750 East Main St.

El Cajon, CA 92022

Start: 6/1/2018

End: 5/31/2020

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 2019, 5020, 5021 & 5030

Ed Code Authority: 33050 et seq

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

Outcome Rationale: The waiver of the election requirements in 5019(d), 5020, 5021 and 5030 will enable the Cajon Valley Union School District (“CVUSD” or “District”) to implement a new “by-trustee area” electoral system for its November 2018 elections, will ensure that the District proceeds in the most efficient and cost-effective manner, and will help protect the District from legal challenges. Approval of the waiver request will not remove the requirement that any future District governing board member be elected by voters in the District. The waiver only eliminates the requirement that an election be held to determine the method by which future board members will be elected.

San Diego County, in which the District is located, has recently become a hotbed of potential litigation under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code (“CVRA”). The CVRA enables voters to challenge “at-large” electoral systems in which elections are characterized by “racially-polarized voting.” As importantly, it authorizes mandatory attorneys’ fee and expert fee awards to successful plaintiffs.

Student Population: 16294

City Type: Suburban

Public Hearing Date: 12/14/2017

Public Hearing Advertised: Published in newspaper of general circulation; posted at all school sites and District's website

Local Board Approval Date: 12/14/2017

Community Council Reviewed By: See attached

Community Council Reviewed Date: 12/1/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Christopher Skinnell

Position: Attorney/Superintendent's Designee

E-mail: [cskinnell@nmgovlaw.com](mailto:cskinnell@nmgovlaw.com)

Telephone: 415-389-6800

Fax: N/a

Bargaining Unit Date: 10/04/2017

Name: Cajon Valley Education Association

Representative: Chris Prokop

Title: President

Position: Neutral

Comments:N/a

Bargaining Unit Date: 10/04/2017

Name: Cajon Valley Supervisory Association

Representative: Gordy McNary

Title: President

Position: Support

Comments:N/a

Bargaining Unit Date: 10/04/2017

Name: California School Employees Assn, Chapter 179

Representative: Mark Reagles

Title: President

Position: Support

Comments: N/a

# Attachment 3: Carlsbad Unified School District Waiver Request 20-12-2017

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 3773551

Waiver Number: 20-12-2017

Active Year: 2017

Date In: 12/15/2017 10:24:55 AM

Local Education Agency: Carlsbad Unified School District

Address: 6225 El Camino Real

Carlsbad, CA 92009

Start: 3/1/2018

End: 2/29/2020

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

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

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

Student Population: 11510

City Type: Suburban

Public Hearing Date: 9/20/2017

Public Hearing Advertised: Formal notice with date, time, location, and subject posted at the District Office; published on the District website; published in newspaper of general circulation

Local Board Approval Date: 10/18/2017

Community Council Reviewed By: School Site Councils at District schools; Parent-Superintendent Advisory Council; DELAC

Community Council Reviewed Date: 11/17/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Benjamin Churchill

Position: Superintendent

E-mail: [benjamin.churchill@carlsbadusd.net](mailto:benjamin.churchill@carlsbadusd.net)

Telephone: 760-331-5002

Fax: N/a

Bargaining Unit Date: 10/12/2017

Name: Carlsbad Teachers Association

Representative: Amanda Fanning

Title: President

Position: Neutral

Comments: N/a

Bargaining Unit Date: 09/14/2017

Name: Laborer's International Union of North America

Representative: Heather Gearing

Title: President

Position: Support

Comments: N/a

# Attachment 4: Covina-Valley Unified School District Waiver Request 10-1-2018

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 1964436

Waiver Number: 10-1-2018

Active Year: 2018

Date In: 1/11/2018 2:22:32 PM

Local Education Agency: Covina-Valley Unified School District

Address: 519 East Badillo St.

Covina, CA 91723

Start: 1/1/2018

End: 12/30/2019

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Other Waivers

Ed Code Title: Select an Ed Code Title...

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

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

Outcome Rationale: The Covina-Valley Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee area election method as expeditiously as possible and avoid the risk and expense associated with threatened litigation under the CVRA.

The District currently utilizes an at-large election process to elect its governing board members. The District has not received a demand to switch to the by-trustee area elections methodology. However, 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: 11716

City Type: Rural

Public Hearing Date: 12/18/2017

Public Hearing Advertised: Notice in Tribune newspaper, Notice posted at each school, Notice posted at the District Office, notice posted at the Mary Hanes Center

Local Board Approval Date: 12/18/2017

Community Council Reviewed By: All school site councils, DELAC

Community Council Reviewed Date: 11/27/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Robert McEntire

Position: Assistant Superintendent, Business Services/CBO

E-mail: rmcentire@c-vusd.org

Telephone: 626-974-7000 x800120

Fax: N/a

Bargaining Unit Date: 12/11/2017

Name: California School Employees Association

Representative: Vivian Garcia

Title: President

Position: Support

Comments: N/a

Bargaining Unit Date: 12/11/2017

Name: Covina Unified Education Association

Representative: Sita Rampershad

Title: President

Position: Support

Comments: N/a

Bargaining Unit Date: 12/11/2017

Name: Covina-Valley Association of School Psychologists

Representative: Martha Engle

Title: President

Position: Neutral

Comments: N/a

# Attachment 5: Cucamonga Elementary School District Waiver Request 1-12-2017

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 3667694

Waiver Number: 1-12-2017

Active Year: 2017

Date In: 12/1/2017 1:37:20 PM

Local Education Agency: Cucamonga Elementary School District

Address: 8776 Archibald Ave.

Rancho Cucamonga, CA 91730

Start: 12/1/2017

End: 11/30/2019

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Election of Governing Board

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

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

Outcome Rationale: The Cucamonga 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: 2461

City Type: Suburban

Public Hearing Date: 11/9/2017

Public Hearing Advertised: Newspaper, website, all school sites, District Office, Rancho Cucamonga Family Resource Center and Northtown Community Center

Local Board Approval Date: 11/9/2017

Community Council Reviewed By: School Site Councils, DAC/ELAC and English Learner Advisory Committees

Community Council Reviewed Date: 11/7/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Janet Temkin

Position: Superintendent

E-mail: [jtemkin@cuca.k12.ca.us](mailto:jtemkin@cuca.k12.ca.us)

Telephone: 909-987-8942 x8223

Fax: 909-980-3628

Bargaining Unit Date: 10/24/2017

Name: California School Employees Assoc., Chapter #553

Representative: Ron Spears

Title: President

Position: Support

Comments: N/a

Bargaining Unit Date: 10/17/2017

Name: Cucamonga Teachers' Association, CTA/NEA

Representative: David Martin

Title: President

Position: Support

Comments: N/a

# Attachment 6: Etiwanda Elementary School District Waiver Request 7-11-2017

**California Department of Education  
WAIVER SUBMISSION – General**

CD Code: 3667702

Waiver Number: 7-11-2017

Active Year: 2017

Date In: 11/9/2017 9:14:04 AM

Local Education Agency: Etiwanda Elementary School District

Address: 6061 East Ave.

Etiwanda, CA 91739

Start: 10/26/2017

End: 12/31/2018

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 5019, 5021, 5030, and all of 5020

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

Outcome Rationale: The Etiwanda 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: 14120

City Type: Urban

Public Hearing Date: 10/26/2017

Public Hearing Advertised: Notice in newspaper, notice posted at each school and district office, district website, district social media and three public places in the district

Local Board Approval Date: 10/26/2017

Community Council Reviewed By: 17 School Site Councils, DAC/DELAC, LCAP Advisory, PTA/PTO Presidents Group, Af.Am.Parent Group

Community Council Reviewed Date: 9/17/2017

Community Council Objection: N

Community Council Objection Explanation: N/a

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Shawn Judson

Position: Superintendent

E-mail: [shawn\_judson@etiwanda.org](mailto:shawn_judson@etiwanda.org)

Telephone: 909-899-2451 x3101

Fax: 909-803-3035

Bargaining Unit Date: 07/25/2017

Name: Etiwanda Teachers Association

Representative: Michele Jacks

Title: President

Position: Support

Comments: N/a

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# Attachment 7: Martinez Unified School District Waiver Request 33-12-2017

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 0761739

Waiver Number: 33-12-2017

Active Year: 2017

Date In: 12/20/2017 11:44:57 AM

Local Education Agency: Martinez Unified School District

Address: 921 Susana St.

Martinez, CA 94553

Start: 1/1/2018

End: 12/31/2018

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

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

Student Population: 4158

City Type: Suburban

Public Hearing Date: 12/11/2017

Public Hearing Advertised: Newspapers, Internet, School Sites, District Office

Local Board Approval Date: 12/11/2017

Community Council Reviewed By: PTA and DELAC

Community Council Reviewed Date: 12/8/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. CJ Cammack

Position: Superintendent

E-mail: [ccammack@martinezusd.net](mailto:ccammack@martinezusd.net)

Telephone: 925-335-5909

Fax: N/a

Bargaining Unit Date: 12/06/2017

Name: Martinez Education Association (MEA)

Representative: Brenda Navarro

Title: President

Position: Support

Comments: N/a

# Attachment 8: Murrieta Valley Unified School District Waiver Request 30-12-2017

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 3375200

Waiver Number: 30-12-2017

Active Year: 2017

Date In: 12/18/2017 3:12:19 PM

Local Education Agency: Murrieta Valley Unified School District

Address: 41870 McAlby Ct.

Murrieta, CA 92562

Start: 1/1/2018

End: 12/31/2018

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

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

Student Population: 22917

City Type: Suburban

Public Hearing Date: 12/14/2017

Public Hearing Advertised: On School District Website, District Office, each School Site and Newspaper

Local Board Approval Date: 12/14/2017

Community Council Reviewed By: Council PTA, African-American Parent Advisory Council, Latino Parent Advisory Council, English Lear

Community Council Reviewed Date: 12/7/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Patrick Kelley

Position: Superintendent

E-mail: [pkelley@murrieta.k12.ca.us](mailto:pkelley@murrieta.k12.ca.us)

Telephone: 951-696-1600 x1002

Fax: N/a

Bargaining Unit Date: 12/07/2017

Name: California School Employees Assn. Murrieta Chapter

Representative: Ramona Hillis

Title: Chapter President

Position: Support

Comments: N/a

Bargaining Unit Date: 12/06/2017

Name: Murrieta Teachers Association

Representative: Tom Kuzma

Title: President

Position: Support

Comments: N/a

# Attachment 9: Newport-Mesa Unified School District Waiver Request 23-12-2017

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 3066597

Waiver Number: 23-12-2017

Active Year: 2017

Date In: 12/17/2017 12:54:26 PM

Local Education Agency: Newport-Mesa Unified School District

Address: 2985 Bear St., Bldg. A

Costa Mesa, CA 92626

Start: 7/1/2017

End: 6/30/2019

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Election of Governing Board

Ed Code Section: 5019, 5020, 5021, 5030

Ed Code Authority: General Waiver Authority of Ed Code 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

Outcome Rationale: The Newport-Mesa 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 settle litigation resulting from its current at-large election process for electing its governing board members.

It is imperative that the District adopt trustee areas and complete the implementation process without delay and without interference because like many of the school districts that have been threatened with or subject to lawsuits 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 the litigation which has been settled.

Student Population: 21255

City Type: Suburban

Public Hearing Date: 10/24/2017

Public Hearing Advertised: Notice in newspaper(see Attachment C); posted on each school website; posted in district exterior marquee

Local Board Approval Date: 10/24/2017

Community Council Reviewed By: SEE ATTACHMENT D - Consultation with School Site Councils

Community Council Reviewed Date: 10/6/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Frederick Navarro

Position: Superintendent

E-mail: [fnavarro@nmusd.us](mailto:fnavarro@nmusd.us)

Telephone: 714-424-5031

Fax: 714-424-5018

Bargaining Unit Date: 10/06/2017

Name: California School Employees Association-Chapter 18

Representative: Pamela Saunders

Title: President of CSEA Chapter 18

Position: Neutral

Comments: N/a

Bargaining Unit Date: 10/06/2017

Name: Newport-Mesa Federation of Teachers

Representative: Britt Dowdy

Title: President of Newport-Mesa Federation of Teachers

Position: Support

Comments: N/a

# Attachment 10: Oceanside Unified School District Waiver Request 8-12-2017

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 3773569

Waiver Number: 8-12-2017

Active Year: 2017

Date In: 12/7/2017 2:29:00 PM

Local Education Agency: Oceanside Unified School District

Address: 2111 Mission Ave.

Oceanside, CA 92058

Start: 7/25/2017

End: 7/24/2019

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

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

Student Population: 18379

City Type: Urban

Public Hearing Date: 7/25/2017

Public Hearing Advertised: Newspaper, internet, and District office

Local Board Approval Date: 7/25/2017

Community Council Reviewed By: District Parent Advisory Committeee

Community Council Reviewed Date: 11/29/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Duane Coleman

Position: Superintendent

E-mail: [dcoleman@oside.us](mailto:dcoleman@oside.us)

Telephone: 760-966-4000

Bargaining Unit Date: 06/21/2017

Name: California School Employees Association #370

Representative: Colette Leyva

Title: President

Position: Support

Comments: N/a

Bargaining Unit Date: 06/21/2017

Name: Oceanside Teachers Association

Representative: Jennifer Skellett

Title: President

Position: Support

Comments: N/a

# Attachment 11: Placentia-Yorba Linda Unified School District Waiver Request 7-12-2017

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 3066647

Waiver Number: 7-12-2017

Active Year: 2017

Date In: 12/6/2017 11:48:49 AM

Local Education Agency: Placentia-Yorba Linda Unified

Address: 1301 East Orangethorpe Ave.

Placentia, CA 92870

Start: 4/1/2018

End: 3/30/2020

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

Outcome Rationale: The Placentia-Yorba Linda Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee area election method as expeditiously as possible and avoid the risk and expense associated with threatened litigation under the 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: 25399

City Type: Suburban

Public Hearing Date: 11/7/2017

Public Hearing Advertised: Public Hearing was advertised with notice in local newspapers and board agendas posted at district office, professional development academy, and Placentia and Yorba Linda libraries.

Local Board Approval Date: 11/7/2017

Community Council Reviewed By: DELAC, PTA, Teacher Advisory Council (TAC), Supt.'s Community Advisory Council, Placentia Managers

Community Council Reviewed Date: 11/6/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Richard McAlindin

Position: Executive Director, Instructional Support

E-mail: [rmcalindin@pylusd.org](mailto:rmcalindin@pylusd.org)

Telephone: 714-985-8727

Bargaining Unit Date: 11/01/2017

Name: Association of Placentia-Linda Educators

Representative: Linda Manion

Title: California Teacher's Association President

Position: Support

Comments: N/a

Bargaining Unit Date: 11/07/2017

Name: California School Employee Association

Representative: Job Suarez

Title: California School Employee Association President

Position: Support

Comments: N/a

# Attachment 12: Redwood City Elementary School District Waiver Request 29-12-2017

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 4169005

Waiver Number: 29-12-2017

Active Year: 2017

Date In: 12/18/2017 3:06:21 PM

Local Education Agency: Redwood City Elementary School District

Address: 750 Bradford St.

Redwood City, CA 94063

Start: 1/1/2018

End: 12/31/2018

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

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

Student Population: 7726

City Type: Urban

Public Hearing Date: 12/12/2017

Public Hearing Advertised: Newspaper, internet, school sites, District Office

Local Board Approval Date: 12/12/2017

Community Council Reviewed By: Superintendent's Advisory Council for Parents, Students, Teachers, DELAC, Teachers

Community Council Reviewed Date: 12/11/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. John Baker

Position: Superintendent

E-mail: [egarcia@rcsdk8.net](mailto:egarcia@rcsdk8.net)

Telephone: 650-423-2230

Fax: 650-423-2204

Bargaining Unit Date: 11/27/2017

Name: Redwood City Teachers Association (RCTA)

Representative: Brian Cagle

Title: Chief Negotiator

Position: Neutral

Comments: N/a

# Attachment 13: San Benito High School District Waiver Request 35-12-2017

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 3567538

Waiver Number: 35-12-2017

Active Year: 2017

Date In: 12/20/2017 4:52:25 PM

Local Education Agency: San Benito High School District

Address: 1220 Monterey St.

Hollister, CA 95023

Start: 1/1/2018

End: 12/31/2018

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

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

Student Population: 3075

City Type: Rural

Public Hearing Date: 12/13/2017

Public Hearing Advertised: Newspaper, Internet, school site, District office

Local Board Approval Date: 12/13/2017

Community Council Reviewed By: LULAC

Community Council Reviewed Date: 12/13/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Shawn Tennenbaum

Position: Superintendent

E-mail: [stennenbaum@sbhsd.k12.ca.us](mailto:stennenbaum@sbhsd.k12.ca.us)

Telephone: 831-637-5831 x133

Fax: 831-637-1187

Bargaining Unit Date: 12/15/2017

Name: San Benito High School CSEA Chapter 173

Representative: Honor Spencer

Title: President

Position: Support

Comments: N/a

Bargaining Unit Date: 12/07/2017

Name: San Benito High SchoolTeachers Association (SBHSTA

Representative: Mark Krause

Title: President

Position: Support

Comments: N/a

# Attachment 14: San Dieguito Union High School District Waiver Request 19-12-2017

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 3768346

Waiver Number: 19-12-2017

Active Year: 2017

Date In: 12/15/2017 8:32:27 AM

Local Education Agency: San Dieguito Union High School District

Address: 710 Encinitas Blvd.

Encinitas, CA 92024

Start: 12/14/2017

End: 12/13/2019

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

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

Student Population: 12940

City Type: Urban

Public Hearing Date: 12/14/2017

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

Local Board Approval Date: 12/14/2017

Community Council Reviewed By: Please see Attachment B for groups/dates, attached hereto and incorporated herein by this reference.

Community Council Reviewed Date: 12/5/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Eric Dill

Position: Superintendent

E-mail: [eric.dill@sduhsd.net](mailto:eric.dill@sduhsd.net)

Telephone: 760-753-6491

Fax: N/a

Bargaining Unit Date: 11/09/2017

Name: California School Employees Association #241

Representative: Matt Collwell

Title: President

Position: Support

Comments: N/a

Bargaining Unit Date: 11/01/2017

Name: San Dieguito Faculty Association

Representative: Tim Staycer

Title: President

Position: Support

Comments: N/a

# Attachment 15: Westminster Unified School District Waiver Request 11-1-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3066746

Waiver Number: 11-1-2018

Active Year: 2018

Date In: 1/11/2018 3:04:44 PM

Local Education Agency: Westminster Unified School District

Address: 14121 Cedarwood Ave.

Westminster, CA 92683

Start: 1/1/2018

End: 12/30/2019

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Other Waivers

Ed Code Title: Other Waivers

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

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

Outcome Rationale: The Westminster School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee area election method as expeditiously as possible and avoid the risk and expense associated with threatened litigation under the 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: 9254

City Type: Urban

Public Hearing Date: 11/9/2017

Public Hearing Advertised: The public hearing was posted in the newspaper, public hearing was posted at each school site and the public hearing was posted at the District Office.

Local Board Approval Date: 11/9/2017

Community Council Reviewed By: All school sites (ELAC); At the D.O. DELAC/DAC

Community Council Reviewed Date: 10/2/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Priscilla Ard

Position: Executive Assistant to the Superintendent

E-mail: [pard@wsdk8.us](mailto:pard@wsdk8.us)

Telephone: 714-894-7311 x1002

Bargaining Unit Date: 10/25/2017

Name: CSEA-Classified School Employees Association

Representative: Peter Barajas

Title: President

Position: Neutral

Comments: N/a

Bargaining Unit Date: 10/25/2017

Name: WTA-Westminster Teachers Association

Representative: Heidi Cordova

Title: Political Action Committee (PAC) Chair

Position: Neutral

Comments: N/a

# Attachment 16: Yucaipa-Calimesa Joint Unified School District Waiver Request 9-1-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667959

Waiver Number: 9-1-2018

Active Year: 2018

Date In: 1/9/2018 2:07:28 PM

Local Education Agency: Yucaipa-Calimesa Joint Unified School District

Address: 12797 Third St.

Yucaipa, CA 92399

Start: 11/7/2017

End: 11/6/2018

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Other Waivers

Ed Code Title: Other Waivers

Ed Code Section: 5019, 5020, 5021, 5030

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See Attachment 17 of this State Board of Education Item.

Outcome Rationale: The waiver is requested to expedite the efforts of the Yucaipa-Calimesa Joint Unified School District ("District") to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.) ("CVRA"). By granting this waiver, the District will be able to implement its new "by-trustee area" election system for its November 2018 elections to reduce 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 funding for necessary and valuable District student programs is not reduced or eliminated because of claims being brought against the District under the CVRA.

Student Population: 9084

City Type: Suburban

Public Hearing Date: 12/12/2017

Public Hearing Advertised: Local newspaper, Yucaipa and Calimesa City Halls, Yucaipa and Calimesa public libraries, posted at all school sites and district office, district website.

Local Board Approval Date: 12/12/2017

Community Council Reviewed By: Parent Advisory Committee, DELAC, Community Cabinet

Community Council Reviewed Date: 10/23/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Cali Binks

Position: Superintendent

E-mail: [mimi\_hawkinson@ycjusd.us](mailto:mimi_hawkinson@ycjusd.us)

Telephone: 909-797-0174 x5802

Fax: N/a

Bargaining Unit Date: 11/02/2017

Name: California School Employees Association (CSEA)

Representative: Melissa Snow

Title: CSEA President

Position: Support

Comments: N/a

Bargaining Unit Date: 10/26/2017

Name: Yucaipa-Calimesa Educators Association (YCEA)

Representative: Randy Peters

Title: YCEA President

Position: Neutral

Comments: N/a

# Attachment 17: California *Education Code* Proposed for Waiver

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

## § 5019.

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

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

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

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

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

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

## [§ 5020.

*Presentation of proposal to electors*

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

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

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

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

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

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

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

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

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

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

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

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

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

## § 5021.

Incumbents to serve out terms despite approval of change

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

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

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

## § 5030.

Alternate method of election

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

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

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

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

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

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

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