

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education November 2019 Agenda Item #W-06

## Subject

Request by **six 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

* Antioch Unified School District 15-7-2019
* La Mesa-Spring Valley School District 4-8-2019
* Moreland School District 10-8-2019
* Oakley Union Elementary School District 7-7-2019
* San Rafael City High School District 1-9-2019
* South Bay Union School District 11-8-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

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

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Antioch Unified School District (USD), the La Mesa-Spring Valley School District (SD), the Moreland SD, the Oakley Union Elementary School District (UESD), the San Rafael City High School District (HSD)[[1]](#footnote-1), and the South Bay Union SD, request that the California State Board of Education (SBE) waive the requirement that by-trustee-area election methods be approved at a districtwide election—allowing by-trustee-area 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 will eliminate the election requirement for approval of trustee areas and by-trustee-area methods of election for future governing board elections in the Antioch USD, the La Mesa-Spring Valley SD, the Moreland SD, the Oakley UESD, the San Rafael City HSD, and the South Bay Union SD. 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 that occur at least 120 days after County Committee approval of the by-trustee-area election methods.

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 Antioch USD, the La Mesa-Spring Valley SD, the Moreland SD, the Oakley UESD, the San Rafael City HSD, and the South Bay Union SD are taking actions to establish trustee areas and adopt by-trustee-area election methods. In order to establish the trustee areas and the methods of election as expeditiously as possible, these districts request that the SBE waive the requirement that the trustee areas and the election methods be approved at districtwide elections. If the SBE approves the waiver requests, by-trustee-area election methods can be adopted in the districts upon review and approval of the appropriate County Committee without subsequent local elections to approve the changes.

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

The waiver requests have been reviewed by the CDE and it has been determined that there was no significant public opposition to the waivers at the public hearings conducted by the governing boards of the districts. The CDE has further determined that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends the SBE approve the requests by the Antioch USD, the La Mesa-Spring Valley SD, the Moreland SD, the Oakley UESD, the San Rafael City HSD, and the South Bay Union SD to waive *EC* Section 5020 and portions of sections 5019, 5021, and 5030, which require districtwide elections to approve by-trustee-area methods of election.

**Demographic Information:** The Antioch USD has a student population of 16,362 and is located in a suburban area of Contra Costa County.

The La Mesa-Spring Valley SD has a student population of 12,073 and is located in an urban area of San Diego County.

The Moreland SD has a student population of 4,627 and is located in a suburban area of Santa Clara County.

The Oakley UESD has a student population of 5,257 and is located in a suburban area of Contra Costa County.

The San Rafael City HSD has a student population of 7,234 and is located in a suburban area of Marin County.

The South Bay Union SD has a student population of 7,199 and is located in a suburban area of Humboldt County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

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

The SBE has approved 180 similar waiver requests—most recently for eight school districts at the September 2019 SBE meeting.

## Fiscal Analysis (as appropriate)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the request will result in additional costs to the Antioch USD, the La Mesa-Spring Valley SD, the Moreland SD, the Oakley UESD, the San Rafael City HSD, and the South Bay Union SD for districtwide elections.

## Attachment(s)

* **Attachment 1:** Summary Table (4 pages)
* **Attachment 2:** Antioch Unified School District General Waiver Request  
  15-7-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** La Mesa-Spring Valley School District General Waiver Request 4-8-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Moreland School District General Waiver Request 10-8-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Oakley Union Elementary School District General Waiver Request 7-7-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** San Rafael City High School District General Waiver Request 1-9-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** South Bay Union School District General Waiver Request   
  11-8-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8:** California *Education Code* Sections Proposed for Waiver (5 pages).

# Attachment 1: Summary Table

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

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted** | **Public Hearing and Board Dates** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 15-7-2019 | Antioch Unified School District | **Requested:**  August 1, 2019, to December 31, 2020  **Recommended:**  August 1, 2019, to December 31, 2020 | Antioch Education Association, Valorie Luke President 6/25/2019 **Support**  California School Employees Association, Chris Colcord President 6/25/2019 **Neutral** | June 26, 2019 | 23 School Site Councils, 14 Parent Teacher Associations / Organizations, and 15 English Language Advisory Committees (5/29/2019**) Objections[[2]](#footnote-2)** |
| 4-8-2019 | La Mesa-Spring Valley School District | **Requested:**  January 1, 2019,  to  December 31, 2021  **Recommended:**  January 2, 2019,  to  December 31, 2021 | La Mesa-Spring Valley Teachers Association, Dennis Blevins, President 8/5/2019 **Support**  California School Employees Association, Ahmad Swinton, President 8/5/2019 **Support** | August 6, 2019 | District Advisory Council; Parent Teacher Association Presidents (8/5/2019) **No objections** |
| 10-8-2019 | Moreland School District | **Requested:**  August 27, 2019,  to  August 26, 2021  **Recommended:**  August 27, 2019,  to  August 25, 2021 | Moreland Teachers Association, Wendy Johnson, President 8/21/2019 **Support**  California School Employees Association, Maggie Day, Vice-president 8/21/2019 **Support** | August 27, 2019 | Future Bond Committee (8/15/2019) **No objections** |
| 7-7-2019 | Oakley Union Elementary School District | **Requested:**  August 1, 2019,  to  December 31, 2020  **Recommended:**  August 1, 2019,  to  December 31, 2020 | Oakley Union Teachers Association, Rick King, President 6/5/2019 **Support**  California School Employees Association, Dian Mayor, President 6/5/2019 **Support** | June 19, 2019 | School site councils and the District English Learner Advisory Committee (5/31/2019) **No objections** |
| 1-9-2019 | San Rafael City High School District | **Requested:**  January 2, 2019,  to  December 31, 2021  **Recommended:**  January 2, 2019,  to  December 31, 2021 | San Rafael Teachers Association, Mary Kate Kenney, President 8/6/2019 **Support**  San Rafael Federation of Teachers  Chris Simenstad, President 8/9/2019 **Support**  California School Employees Association,  Katina Pantazes, President 8/20/2019 **Support** | August 26, 2019 | District English Learner Advisory Committee chair, Parcel Tax Citizens Oversight Committee chair (8/7/2019) **No objections** |
| 11-8-2019 | South Bay Union School District | **Requested:**  July 25, 2019,  to  July 23, 2021  **Recommended:**  July 25, 2019,  to  July 23, 2021 | Southwest Teachers Association, Tracy Rolfe, President 6/5/2019 **Neutral**  California School Employees Association, Martha Rodriguez, President 5/31/2019 **Support** | July 25, 2019 | District English Learner Advisory Committee (8/20/2019)  **No objections** |

Created by California Department of Education  
September 2019

# Attachment 2: Antioch Unified School District General Waiver Request 15-7-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0761648

Waiver Number: 15-7-2019

Active Year: 2019

Date In: 7/30/2019 1:50:29 PM

Local Education Agency: Antioch Unified School District

Address: 510 G St.

Antioch, CA 94509

Start: 8/1/2019

End: 12/31/2020

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 8.

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

It is imperative that the District adopt these areas and establish this process without delay and without interference because the District has been presented with a demand letter under the California Voting Rights Act of 2001 (“CVRA”), threatening to sue the District if it does not convert to by-trustee area elections. The District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

Student Population: 16362

City Type: Suburban

Public Hearing Date: 6/26/2019

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

Local Board Approval Date: 6/26/2019

Community Council Reviewed By: 23 School Site Councils (SSCs), 14 PTA/PTOs, and 15 English Language Advisory Committees

Community Council Reviewed Date: 5/29/2019

Community Council Objection: Yes

Community Council Objection Explanation: 1 of 23 SSCs and 1 of 14 PTA/PTOs cited a preference for the at large election system.

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Stephanie Anello

Position: Superintendent

E-mail: [stephanieanello@antiochschools.net](mailto:stephanieanello@antiochschools.net)

Telephone: 925-779-7500 x51000

Fax: 925-779-7515

Bargaining Unit Date: 06/25/2019  
Name: Antioch Education Association  
Representative: Valorie Luke  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 06/25/2019  
Name: California School Employees Association  
Representative: Chris Colcord  
Title: President  
Position: Neutral  
Comments:

# Attachment 3: La Mesa-Spring Valley School District General Waiver Request 4-8-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3768197

Waiver Number: 4-8-2019

Active Year: 2019

Date In: 8/15/2019 12:59:43 PM

Local Education Agency: La Mesa-Spring Valley

Address: 4750 Date Ave.

La Mesa, CA 91942

Start: 1/1/2019

End: 12/31/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 8.

Outcome Rationale: This waiver is requested to expedite the efforts of the La Mesa-Spring Valley School District (“District”) to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.)(“CVRA”). By granting this waiver, the District will be able to implement its new “by-trustee area” election system for its November 2020 elections to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of potential claims under the CVRA.

Student Population: 12073

City Type: Urban

Public Hearing Date: 8/6/2019

Public Hearing Advertised: Newspaper (San Diego Business Journal), public posting in La Mesa, Casa de Oro, and Spring Valley libraries

Local Board Approval Date: 8/6/2019

Community Council Reviewed By: District Advisory Council, PTA Presidents

Community Council Reviewed Date: 8/5/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. David Feliciano

Position: Superintendent

E-mail: [david.feliciano@lmsvschools.org](mailto:david.feliciano@lmsvschools.org)

Telephone: 619-668-5700

Bargaining Unit Date: 08/05/2019  
Name: California School Employee Association, Ch. 419  
Representative: Ahmad Swinton  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 08/05/2019  
Name: La Mesa-Spring Valley Teachers Association  
Representative: Dennis Blevins  
Title: President  
Position: Support   
Comments:

# Attachment 4: Moreland School District General Waiver Request 10-8-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4369575

Waiver Number: 10-8-2019

Active Year: 2019

Date In: 8/28/2019 4:06:21 PM

Local Education Agency: Moreland Unified School District

Address: 4711 Campbell Ave.

San Jose, CA 95130

Start: 8/27/2019

End: 8/26/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5019, 5020, 5021, 5030

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 8

Outcome Rationale: The Moreland School District Governing Board is transitioning from at-large elections to trustee-area method of elections. The MSD Board requests the State Board of Education to waive the voter approval requirement in order to avoid the high election cost and to expedite the timeline for implementation to trustee-area elections.

Student Population: 4627

City Type: Suburban

Public Hearing Date: 8/27/2019

Public Hearing Advertised: Public Notice posting in the San Jose Mercury News newspaper 7 days before hearing, Moreland School District website (front page), Public Notice posting at all school sites, District's social media

Local Board Approval Date: 8/27/2019

Community Council Reviewed By: Future Bond Committee

Community Council Reviewed Date: 8/15/2019

Community Council Objection: No

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

Categorical Program Monitoring: No

Submitted by: Dr. Mary Kay Going

Position: Superintendent

E-mail: [mkgoing@moreland.org](mailto:mkgoing@moreland.org)

Telephone: 408-874-2901

Fax: 408-374-8863

Bargaining Unit Date: 08/21/2019  
Name: Moreland California School Employees Assoc. Ch.198  
Representative: Maggie Day  
Title: Vice President  
Position: Support  
Comments:

Bargaining Unit Date: 08/21/2019  
Name: Moreland Teachers Association  
Representative: Wendy Johnson  
Title: President, Moreland Teachers Association  
Position: Support   
Comments

# Attachment 5: Oakley Union Elementary School District General Waiver Request 7-7-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0761762

Waiver Number: 7-7-2019

Active Year: 2019

Date In: 7/10/2019 10:47:59 AM

Local Education Agency: Oakley Union Elementary

Address: 91 Mercedes Ln.

Oakley, CA 94561

Start: 8/1/2019

End: 12/31/2020

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5019, 5021, 5030 and 5020.

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 8

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

It is imperative that the District adopt these areas and establish this process without delay and without interference in order to expeditiously comply California Voting Rights Act of 2001 (“CVRA”). The District made the change in response to a demand issued under AB 350. 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: 5257

City Type: Suburban

Public Hearing Date: 6/19/2019

Public Hearing Advertised: Publication in newspaper, Posted at all school sites and 3 public places in the District

Local Board Approval Date: 6/19/2019

Community Council Reviewed By: DELAC and School Site Councils

Community Council Reviewed Date: 5/31/2019

Community Council Objection: No

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

Categorical Program Monitoring: No

Submitted by: Mr. Gregory Hetrick

Position: Superintendent

E-mail: [ghetrick@ouesd.k12.ca.us](mailto:ghetrick@ouesd.k12.ca.us)

Telephone: 925-567-6902

Fax: 925-625-1863

Bargaining Unit Date: 06/05/2019  
Name: California Schools Employee Association  
Representative: Dian Mayor  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 06/05/2019  
Name: Oakley Union Teachers Association  
Representative: Rick King  
Title: President  
Position: Support  
Comments:

# Attachment 6: San Rafael City High School District General Waiver Request 1-9-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 2165466

Waiver Number: 1-9-2019

Active Year: 2019

Date In: 9/4/2019 3:36:46 PM

Local Education Agency: San Rafael City High

Address: 310 Nova Albion Way

San Rafael, CA 94903

Start: 1/2/2019

End: 12/31/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 8.

Outcome Rationale: This waiver is requested to expedite the efforts of the San Rafael 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 2020 elections to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys’ and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

San Rafael City Schools, which includes both the San Rafael Elementary School District and San Rafael High School District, is governed by a single governing board. The waiver is submitted by the San Rafael High School District as its has a larger geographical jurisdiction; however, it is sought for application to both districts.

Student Population: 7234

City Type: Suburban

Public Hearing Date: 8/26/2019

Public Hearing Advertised: Newspaper (x2); District website, Physical posting at school sites & District office

Local Board Approval Date: 8/26/2019

Community Council Reviewed By: DELAC Chair, Parcel Tax Citizens Oversight Committee Chair

Community Council Reviewed Date: 8/7/2019

Community Council Objection: No

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

Categorical Program Monitoring: No

Submitted by: Mr. Jim Hogeboom

Position: Superintendent

E-mail: [superintendent@srcs.org](mailto:superintendent@srcs.org)

Telephone: 415-492-3233

Fax: 415-492-3245

Bargaining Unit Date: 08/20/2019  
Name: CSEA  
Representative: Katina Pantazes  
Title: President  
Position: Support   
Comments:

Bargaining Unit Date: 08/09/2019  
Name: SRFT  
Representative: Chris Simenstad  
Title: President  
Position: Support   
Comments:

Bargaining Unit Date: 08/06/2019  
Name: SRTA  
Representative: Mary Kate Kenney  
Title: President  
Position: Support   
Comments:

# Attachment 7: South Bay Union School District General Waiver Request 11-8-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3768395

Waiver Number: 11-8-2019

Active Year: 2019

Date In: 8/30/2019 3:33:34 PM

Local Education Agency: South Bay Union School District

Address: 601 Elm Ave.

Imperial Beach, CA 91932

Start: 7/25/2019

End: 7/23/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 8

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

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.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November 2020 which will reduce the District’s liability under the CVRA going forward.

Student Population: 7199

City Type: Suburban

Public Hearing Date: 7/25/2019

Public Hearing Advertised: The Public Hearing Notice (with date and time) was posted at the District Office and all school sites, and also ran in the Imperial Beach and South County Eagle & Times on Thursday, July 18, 2019.

Local Board Approval Date: 7/25/2019

Community Council Reviewed By: The District’s English Learner Advisory Committee (DELAC)

Community Council Reviewed Date: 8/20/2019

Community Council Objection: No

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

Categorical Program Monitoring: No

Submitted by: Ms. Janea Marking

Position: Assistant Superintendent of Business Services

E-mail: [jmarking@sbusd.org](mailto:jmarking@sbusd.org)

Telephone: 619-628-1672

Bargaining Unit Date: 05/31/2019  
Name: California School Employees Association, Ch. 59  
Representative: Martha Rodriguez  
Title: President of CSEA  
Position: Support  
Comments:

Bargaining Unit Date: 06/05/2019  
Name: Southwest Teachers Association (SWTA)  
Representative: Tracy Rolfe  
Title: President of SWTA  
Position: Neutral  
Comments:

# Attachment 8: California *Education Code* Sections Proposed for Waiver

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

## § 5019.

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

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

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

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

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

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

## *[§ 5020.*

***Presentation of proposal to electors***

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

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

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

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

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

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

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

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

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

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

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

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

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

## § 5021.

**Incumbents to serve out terms despite approval of change**

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

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

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

## § 5030.

**Alternate method of election**

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

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

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

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

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

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

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

1. The San Rafael City HSD and San Rafael City Elementary SD (also known as San Rafael City Schools) are governed by a single board. Thus, this waiver request, if approved, would apply to both districts. [↑](#footnote-ref-1)
2. One of the 23 School Site Councils and one of 14 Parent Teacher Associations/Organizations cited a preference for the at-large election system. [↑](#footnote-ref-2)