

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education May 2020 Agenda Item #W-07

## Subject

Requests by **sixteen 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

* Arcata Elementary School District 6-2-2020
* Brea-Olinda Unified School District 23-1-2020
* Cabrillo Unified School District 18-3-2020
* Cotati-Rohnert Park Unified School District 20-1-2020
* El Tejon Unified School District 4-4-2020
* Folsom-Cordova Unified School District 20-3-2020
* Gilroy Unified School District 17-3-2020
* Glendora Unified School District 3-2-2020
* Hacienda la Puente Unified School District 12-2-2020
* Napa Valley Unified School District 23-2-2020
* Rosedale Union Elementary School District 5-4-2020
* Rowland Unified School District 8-3-2020
* San Juan Unified School District 15-3-2020
* Solana Beach Elementary School District 1-4-2020
* Sonoma Valley Unified School District 4-2-2020
* South San Francisco Unified School District 3-3-2020

## 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 Arcata Elementary School District (ESD), the Brea-Olinda Unified School District (USD), the Cabrillo USD, the Cotati-Rohnert Park USD, the El Tejon USD, the Folsom-Cordova USD, the Gilroy USD, the Glendora USD, the Hacienda la Puente USD, the Napa Valley USD, the Rosedale Union ESD, the Rowland USD, the San Juan USD, the Solana Beach ESD, the Sonoma Valley USD, and the South San Francisco USD, request that the California State Board of Education (SBE) waive the requirement that by-trustee-area election methods be approved at a districtwide election—allowing by-trustee-area election methods to be adopted upon review and approval of the appropriate County Committee.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

Approval of the waiver requests will eliminate the election requirement for approval of trustee areas and by-trustee-area methods of election for future governing board elections in the Arcata ESD, the Brea-Olinda USD, the Cabrillo USD, the Cotati-Rohnert Park USD, the El Tejon USD, the Folsom-Cordova USD, the Gilroy USD, the Glendora USD, the Hacienda la Puente USD, the Napa Valley USD, the Rosedale Union ESD, the Rowland USD, the San Juan USD, the Solana Beach ESD, the Sonoma Valley USD, and the South San Francisco USD. Voters in these districts will continue to elect all board members—however, if the waiver request is approved, board members will be elected by trustee areas beginning with the next governing board election that occurs at least 120 days after County Committee approval of the election method.

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

Many districts in California are facing existing or potential litigation under the CVRA because of their at-large election methods. To help avoid potential litigation the Arcata ESD, the Brea-Olinda USD, the Cabrillo USD, the Cotati-Rohnert Park USD, the El Tejon USD, the Folsom-Cordova USD, the Gilroy USD, the Glendora USD, the Hacienda la Puente USD, the Napa Valley USD, the Rosedale Union ESD, the Rowland USD, the San Juan USD, the Solana Beach ESD, the Sonoma Valley USD, and the South San Francisco USD, are taking actions to establish trustee areas and adopt by-trustee-area election methods. In order to establish the trustee areas and the methods of election as expeditiously as possible, these districts request that the SBE waive the requirement that the trustee areas and the election methods be approved at districtwide elections. If the SBE approves the waiver requests, by-trustee-area election methods can be adopted in the districts upon review and approval of the appropriate County Committee without subsequent local elections to approve the changes.

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

The waiver requests have been reviewed by the California Department of Education (CDE) and it has been determined that there was no significant public opposition to the waivers at the public hearings conducted by the governing boards of the districts. The CDE also has 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 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 Arcata ESD has a student population of 540 and is located in a rural area of Humboldt County.

The Brea-Olinda USD has a student population of 6,050 and is located in a suburban area of Orange County.

The Cabrillo USD has a student population of 3,090 and is located in a small city of San Mateo County.

The Cotati-Rohnert Park USD has a student population of 5,620 and is located in a suburban area of Sonoma County.

The El Tejon USD has a student population of 747 and is located in a rural area of Kern County.

The Folsom-Cordova USD has a student population of 20,605 and is located in an urban area of Sacramento County.

The Gilroy USD has a student population of 11,135 and is located in an urban area of Santa Clara County.

The Glendora USD has a student population of 7,444 and is located in a suburban area of Los Angeles County.

The Hacienda la Puente USD has a student population of 18,097 and is located in a suburban area of Los Angeles County.

The Napa Valley USD has a student population of 16,729 and is located in a rural area of Napa County.

The Rosedale Union ESD has a student population of 5,923 and is located in a suburban area of Kern County.

The Rowland USD has a student population of 14,000 and is located in a small city of Los Angeles County.

The San Juan USD has a student population of 39,500 and is located in a suburban area of Sacramento County.

The Solana Beach ESD has a student population of 2,891 and is located in a suburban area of San Diego County.

The Sonoma Valley USD has a student population of 3,800 and is located in an urban area of Sonoma County.

The South San Francisco USD has a student population of 8,408 and is located in a small city of San Mateo County.

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

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

The SBE has approved over 215 similar waiver requests—most recently for 15 school districts at the March 2020 SBE meeting.

## Fiscal Analysis (as appropriate)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the request will result in additional costs to the Arcata ESD, the Brea-Olinda USD, the Cabrillo USD, the Cotati-Rohnert Park USD, the El Tejon USD, the Folsom-Cordova USD, the Gilroy USD, the Glendora USD, the Hacienda la Puente USD, the Napa Valley USD, the Rosedale Union ESD, the Rowland USD, the San Juan USD, the Solana Beach ESD, the Sonoma Valley USD, and the South San Francisco USD for districtwide elections.

## Attachment(s)

* **Attachment 1:** Summary Table (9 pages)
* **Attachment 2:** Arcata Elementary School District General Waiver Request  
  6-2-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Brea-Olinda Unified School District General Waiver Request  
  23-1-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Cabrillo Unified School District General Waiver Request   
  18-3-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Cotati-Rohnert Park Unified School District General Waiver Request 20-1-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** El Tejon Unified School District General Waiver Request  
  4-4-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** Folsom-Cordova Unified School District General Waiver Request 20-3-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8:** Gilroy Unified School District General Waiver Request  
  17-3-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 9:** Glendora Unified School District General Waiver Request  
  3-2-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 10:** Hacienda la Puente Unified School District General Waiver Request 12-2-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 11:** Napa Valley Unified School District General Waiver Request 23-2-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 12:** Rosedale Union Elementary School District General Waiver Request 5-4-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 13:** Rowland Unified School District General Waiver Request  
  8-3-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 14:** San Juan Unified School District General Waiver Request  
  15-3-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 15:** Solana Beach Elementary School District General Waiver Request 1-4-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 16:** Sonoma Valley Unified School District General Waiver Request 4-2-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 17:** South San Francisco Unified School District General Waiver Request 3-3-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 18:** California *Education Code* Sections Proposed for Waiver  
  (5 pages).

# Attachment 1: Summary Table

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

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted** | **Public Hearing and Board Approval Dates** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 6-2-2020 | Arcata Elementary School District | **Requested:**  March 1, 2020,  to  December 31, 2020  **Recommended:**  January 1, 2020,  to  December 30, 2021 | Arcata Elementary Teacher's Association, Ann Youmans, Co-President 12/4/2019 **Support**  California School Employees Association (CSEA), Colette Aitken, President 1/9/2020 **Support** | December 3, 2019 | School Site Council and District Advisory Committee (DAC) (2/5/2020) **No objections** |
| 23-1-2020 | Brea-Olinda Unified School District | **Requested:**  April 1, 2020, to March 31, 2022  **Recommended:**  April 1, 2020, to March 30, 2022 | Brea Olinda Teachers Association, Patti Romero, President 11/8/2019 **Support**  CSEA, Jason Geanakopoulos Labor Relations Representative 11/7/2019 **Neutral** | December 9, 2019 | Parent Teacher Asssociation (PTA) and District English Learner Advisory Committee (DELAC) (11/5/2019) **No objections** |
| 18-3-2020 | Cabrillo Unified School District | **Requested:** April 1, 2019, to March 30, 2021  **Recommended:** April 1, 2019, to March 30, 2021 | Brea Olinda Teachers Association, Heidi Mills, Co-President 2/25/2020 **Neutral**  CSEA, Stig Lynne, President 2/25/2020 **Neutral** | March 12, 2020 | All school site councils (2/26/2020) **No objections** |
| 20-1-2020 | Cotati-Rohnert Park Unified School District | **Requested:**  January 21, 2020,  to  January 19, 2022  **Recommended:**  January 21, 2020,  to  January 19, 2022 | Rohnert Park Cotati Educators Association, David Freebarin, President 1/17/2020 **Support**  CSEA, Russell Hatcher, President 1/17/2020 **Support**  Service Employees International Union, Bryna Wigmore, President 1/17/2020 **Support** | January 21, 2020 | Administrative Council and DELAC (1/17/2020) **No objections** |
| 4-4-2020 | El Tejon Unified School District | **Requested:**  May 1, 2020,  to  April 30, 2022  **Recommended:**  May 1, 2020,  to  April 29, 2022 | El Tejon Teachers Association, Monica Darling, President 4/7/2020 **Support**  CSEA, Darla Davis, President 4/7/2020 **Support** | April 9, 2020 | DELAC and all school site councils (4/8/2020) **No objections** |
| 20-3-2020 | Folsom-Cordova Unified School District | **Requested:**  January 1, 2020,  to  December 31, 2020  **Recommended:**  January 1, 2020,  to  December 30, 2021 | Folsom Cordova Education Association, Angelica Miklos, President 3/10/2020 **Support**  CSEA, Rob Thomas, President 3/11/2020 **Support** | March 12, 2020 | Superintendent’s Communication Committee and DELAC (3/5/2020) **No objections** |
| 17-3-2020 | Gilroy Unified School District | **Requested:** March 12, 2020, to November 9, 2022  **Recommended:** March 12, 2020, to March 10, 2022 | Gilroy Teachers Association, Lindsay Hack, President 3/10/2020 **Support**  Gilroy Federation of Paraeducators, Arcelia O'Connor, President 3/10/2020 **Support**  CSEA, Linda Figone, President 3/10/2020 **Support** | March 12, 2020 | Superintendent's Advisory Council and DELAC (3/9/2020) **No objections** |
| 3-2-2020 | Glendora Unified School District | **Requested:**  July 1, 2019, to July 1, 2021  **Recommended:**  July 3, 2019, to July 1, 2021 | Glendora Teachers Association, Joanne Johnson, President 12/19/2019 **Neutral**  CSEA, Marianne Nichols, President 12/19/2019 **Neutral** | January 27, 2020 | All school site councils (12/19/2019) **No objections** |
| 12-2-2020 | Hacienda la Puente Unified School District | **Requested:**  February 13, 2020,  to  February 12, 2021  **Recommended:**  February 13, 2020,  to  February 12, 2021 | Hacienda La Puente Teachers Association, Billie Joe Wright, President 2/4/2020 **Support**  CSEA, Cliff Walker, Acting President 2/5/2020 **Neutral** | February 13, 2020 | All school site councils, DELAC, and DAC (2/4/2020) **Objections: Two school site councils prefer an election.** |
| 23-2-2020 | Napa Valley Unified School District | **Requested:**  March 1, 2020, to February 28, 2022  **Recommended:**  March 1, 2020, to February 27, 2022 | Napa Valley Educators Association, Gayle Young, President 2/27/2020 **Neutral**  Napa Association of Pupil Services, Lesley Walter, President 2/27/2020 **Neutral**  CSEA, Edgar Ventura, President 2/27/2020 **Neutral** | February 27, 2020 | DELAC and Superintendent’s Parents’ Advisory Committee  (2/19/2020) **No objections** |
| 5-4-2020 | Rosedale Union Elementary School District | **Requested:**  May 1, 2020,  to  April 30, 2022  **Recommended:**  May 1, 2020, to  April 29, 2022 | Rosedale Teachers Association, Maureen Shearon, President 4/7/2019 **Support**  CSEA, Richard Garrett, President 4/7/2019 **Support** | April 9, 2019 | DELAC and all school site councils (4/7/2020) **No objections** |
| 8-3-2020 | Rowland Unified School District | **Requested:**  January 1, 2020, to December 31, 2021  **Recommended:**  January 1, 2020, to December 30, 2021 | Association of Rowland Educators, Shay Lohman, President 12/10/2019 **Support**  CSEA, Marco Maldonado, President 12/11/2019 **Neutral** | December 12, 2019 | Rowland Council PTA and DELAC (10/24/2019) **No objections** |
| 15-3-2020 | San Juan Unified School District | **Requested:**  March 10, 2020,  to  March 8, 2022  **Recommended:**  March 10, 2020,  to  March 8, 2022 | San Juan Teachers Association, Shannon Brown Executive Director 2/20/2020 **Support**  CSEA, Karen Smith, President 3/3/2020 **Support**  San Juan Professional Educators Coalition, Suzanne Bender, President 2/27/2020 **Support**  San Juan Supervisors Association, Cherie Chenoweth, President 2/28/2020 **Support**  Teamsters, Alan Daurie, Business Agent 2/28/2020 **Support** | March 10, 2020 | Local Control Accountability Plan (LCAP) Parent Advisory Committee and DELAC (3/3/2020) **No objections** |
| 1-4-2020 | Solana Beach Elementary School District | **Requested:**  June 1, 2020, to May 31, 2022  **Recommended:**  April 1, 2020, to December 31, 2020 | Solana Beach Teachers Association, Jesse Atkins, President 3/5/2020 **Support**  Solana Beach Association of Support Professionals, Ali Mirzahossein, President 3/3/2020 **Support** | March 12, 2020 | Districtwide PTA/Parent Teachers Organization Roundtable; DELAC (2/6/2020) **No objections** |
| 4-2-2020 | Sonoma Valley Unified School District | **Requested:**  January 24, 2020,  to  January 22, 2022  **Recommended:**  January 24, 2020,  to  January 22, 2022 | Valley of the Moon Teacher Association, Justin Hollander, President 2/3/2020 **Neutral**  CSEA, Kimberly Smith, President 2/3/2020 **Neutral** | December 3, 2019 | LCAP Stakeholders Advisory Committee (2/13/2020) **No objections** |
| 3-3-2020 | South San Francisco Unified School District | **Requested:**  January 1, 2020,  to  January 1, 2022  **Recommended:**  January 1, 2020,  to  December 30, 2021 | South San Francisco California Teachers Association, Daniel Yanow, President 1/10/2020 **Neutral**  CSEA, Jolene Malfatti, President 1/10/2020 **Neutral** | February 13, 2020 | PTA Council Advisory Group (1/10/2020) **No objections** |

Created by California Department of Education  
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# Attachment 2 Arcata Elementary School District General Waiver Request 6-2-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1262679

Waiver Number: 6-2-2020

Active Year: 2020

Date In: 2/10/2020 12:57:05 PM

Local Education Agency: Arcata Elementary

Address: 1435 Buttermilk Ln.

Arcata, CA 95521

Start: 3/1/2020

End: 12/31/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: The Arcata 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-area 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. Many districts in California are facing existing or potential litigation under the CVRA because of their at-large election methods.

Student Population: 540

City Type: Rural

Public Hearing Date: 12/3/2019

Public Hearing Advertised: Local newspaper, posted at District school sites, posted at the District office, posted on the district's website, and posted on Facebook.

Local Board Approval Date: 12/3/2019

Community Council Reviewed By: School Site Council, District Advisory Committee, and Parent Teacher Organization

Community Council Reviewed Date: 2/5/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Luke Biesecker

Position: Superintendent

E-mail: [lbiesecker@arcatasd.org](mailto:lbiesecker@arcatasd.org)

Telephone: 707-822-0351 x340

Fax: 707-822-6589

Bargaining Unit Date: 12/04/2019  
Name: Arcata Elementary Teacher's Association  
Representative: Ann Youmans  
Title: Co-President  
Phone: 707-822-5988  
Position: Support  
Comments:

Bargaining Unit Date: 01/09/2020  
Name: CA School Employee's Association, Lumberjacks 145  
Representative: Colette Aitken  
Title: President  
Phone: 707-599-6685  
Position: Support  
Comments:

# Attachment 3 Brea-Olinda Unified School District General Waiver Request 23-1-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3066449

Waiver Number: 23-1-2020

Active Year: 2020

Date In: 1/24/2020 1:32:23 PM

Local Education Agency: Brea-Olinda Unified

Address: 1 Civic Center Cir.

Brea, CA 92821

Start: 4/1/2020

End: 3/31/2022

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

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

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: The Brea Olinda 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 received a demand letter under Elections Code section 10010. 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: 6050

City Type: Suburban

Public Hearing Date: 12/9/2019

Public Hearing Advertised: Posting in public places, Website, Board Agenda

Local Board Approval Date: 12/9/2019

Community Council Reviewed By: Met with both Union Associations and informed parent groups including PTAs and DELAC

Community Council Reviewed Date: 11/5/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Brad Mason

Position: Superintendent

E-mail: [bmason@bousd.us](mailto:bmason@bousd.us)  
Telephone: 714-990-7824

Fax: 714-256-2536

Bargaining Unit Date: 11/08/2019  
Name: Brea Olinda Teachers Association  
Representative: Patti Romero  
Title: BOTA President  
Phone: (714) 529-2185  
Position: Support  
Comments:

Bargaining Unit Date: 11/07/2019  
Name: California School Employees Assoiciation  
Representative: Jason Geanakopoulos  
Title: CSEA Labor Relations Representative  
Phone: (714) 532-7121  
Position: Neutral  
Comments:

# Attachment 4 Cabrillo Unified School District General Waiver Request 18-3-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4168890

Waiver Number: 18-3-2020

Active Year: 2020

Date In: 3/13/2020 12:02:53 PM

Local Education Agency: Cabrillo Unified

Address: 498 Kelly Ave.

Half Moon Bay, CA 94019

Start: 4/1/2019

End: 3/30/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: On October 11, 2018, the District’s Governing Board voted to approve a proposal to transition from an “At-Large” election system to a “By-Trustee Area” election system for the November 2020 elections. This was done, in part, to prevent future costly litigation which could have an impact on the District’s efforts to serve its students.

Student Population: 3090

City Type: Small

Public Hearing Date: 3/12/2020

Public Hearing Advertised: 03/04/2020: Notice published in Half Moon Bay Review including time, date, location, subject of public hearing; 03/06/2020: Formal notice posted at each school site and 3 public places in District

Local Board Approval Date: 3/12/2020

Community Council Reviewed By: School site councils at all elementary, intermediate, and high schools in the District

Community Council Reviewed Date: 2/26/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Sean McPhetridge

Position: Superintendent

E-mail: [mcphetridges@cabrillo.k12.ca.us](mailto:mcphetridges@cabrillo.k12.ca.us)

Telephone: 650-712-7112

Fax:

Bargaining Unit Date: 02/25/2020  
Name: Cabrillo Classified School Employees Association  
Representative: Stig Lynne  
Title: CSEA President  
Phone: (408) 473-1000  
Position: Neutral  
Comments:

Bargaining Unit Date: 02/25/2020  
Name: Cabrillo Unified Teachers' Association  
Representative: Heidi Mills  
Title: CUTA Co-President

Phone: (650) 712-7150  
Position: Neutral  
Comments

# Attachment 5 Cotati-Rohnert Park Unified School District General Waiver Request 20-1-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4973882

Waiver Number: 20-1-2020

Active Year: 2020

Date In: 1/22/2020 3:29:10 PM

Local Education Agency: Cotati-Rohnert Park Unified

Address: 7165 Burton Ave.

San Rafael, CA 94901

Start: 1/21/2020

End: 1/19/2022

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 18.

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

Student Population: 5620

City Type: Suburban

Public Hearing Date: 1/21/2020

Public Hearing Advertised: Hearing was advertised: Newspaper, Internet, and District Office

Local Board Approval Date: 1/21/2020

Community Council Reviewed By: All collective bargaining groups, Administrative Council, District English Language Advisory Council

Community Council Reviewed Date: 1/17/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Michael Watenpaugh

Position: Interim Superintendent

E-mail: [michael\_watenpaugh@crpusd.org](mailto:michael_watenpaugh@crpusd.org)

Telephone: 707-792-4722

Fax: 415-250-3727

Bargaining Unit Date: 01/17/2020  
Name: California School Employees Association  
Representative: Russell Hatcher  
Title: President  
Phone: 707-792-285-2078  
Position: Support

Bargaining Unit Date: 01/17/2020  
Name: Rohnert Park Cotati Educators Association  
Representative: David Freebarin  
Title: President  
Phone: 707-792-4825  
Position: Support

Bargaining Unit Date: 01/17/2020  
Name: Service Employees International Union  
Representative: Bryna Wigmore  
Title: President  
Phone: 707-792-4800  
Position: Support

# Attachment 6 El Tejon Unified School District General Waiver Request 4-4-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1575168

Waiver Number: 4-4-2020

Active Year: 2020

Date In: 4/9/2020 4:05:55 PM

Local Education Agency: El Tejon Unified

Address: 4337 Lebec Rd.

Lebec, CA 93243

Start: 5/1/2020

End: 4/30/2022

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5019-5021 and 5030

Ed Code Authority: 33050 et seq.

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: El Tejon Unified School District (“District”) is a small school district in a mountainous area of Kern and Ventura Counties. The District received a demand to move to trustee areas from an attorney representing an alleged but unnamed voter. After an expensive investigation and protracted negotiations in an attempt to 1) demonstrate to that attorney that the CVRA did not impose liability on the district, and 2) save expense by delaying the establishment of trustee areas until after receipt of the 2020 Census results, negotiations were unsuccessful and it was not possible to postpone a change in election systems until after the release of the 2020 Census Data.

In the face of likely litigation, and with no admission of liability, the Governing Board adopted a resolution of intent (copy uploaded with application) to move to a by-trustee area election system and, after implementing the procedures set forth in Elections Code section 10010, by resolution approved the change to by-district elections along with a trustee area which was proposed to and approved by the Kern County Committee on School District Organization on October 28, 2019.

Waiver of the election requirements noted above will enable the District to proceed to implement the change from the current at-large election system to a new “by-trustee area” electoral system for its November 2020 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.

In the normal course, the County Committee’s approval of a change to the District’s electoral system would act as an order of election, submitting the change to the District’s voters at the November 2020 election. That would, however, preclude the District from implementing the new system in time for that election and expose the District to a lawsuit, as the change could be implemented by court order. Accordingly, the District consulted with its advisory committees, school site councils, and bargaining units, held a duly-noticed public hearing on April 9, 2020, and adopted a resolution approving the submission of an application/request for waiver of the electoral requirement.

Student Population: 747

City Type: Rural

Public Hearing Date: 4/8/2020

Public Hearing Advertised: Published in English and Spanish in newspaper, all school sites, district office, district website, and district calendar.

Local Board Approval Date: 4/8/2020

Community Council Reviewed By: El Tejon Unified School District English Language Advisory Committee, Frazier Park Elementary School Site Council, El Tejon Middle School Site Council, Frazier Mountain High School Site Council

Community Council Reviewed Date: 4/8/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sara Haflich

Position: Superintendent

E-mail: [shaflich@el-tejon.k12.ca.us](mailto:shaflich@el-tejon.k12.ca.us)

Telephone: 661-248-6247

Bargaining Unit Date: 04/07/2020  
Name: California School Employees Association Chapter 55  
Representative: Darla Davis  
Title: President  
Phone: 661-443-4280  
Position: Support  
Comments:

Bargaining Unit Date: 04/07/2020  
Name: El Tejon Teachers Association  
Representative: Monica Darling  
Title: President  
Phone: 805-807-0411  
Position: Support  
Comments:

# Attachment 7 Folsom-Cordova Unified School District General Waiver Request 20-3-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3467330

Waiver Number: 20-3-2020

Active Year: 2020

Date In: 3/13/2020 1:12:37 PM

Local Education Agency: Folsom-Cordova Unified

Address: 1965 Birkmont Dr.

Rancho Cordova, CA 95742

Start: 1/1/2020

End: 12/31/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Election of Governing Board

Ed Code Section: Section 5020 and portions of sections 5019, 5021 and 5030 of the *Education Code*

Ed Code Authority: Ed. Code section 33050

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: The District received a demand pursuant to section 10010 of the Elections Code to transition to “by-district” trustee elections, from the District’s current “at-large” trustee elections. The demand threatens litigation and prevailing party attorney’s fees if it is not complied with.

Elections Code section 10010 provides a “safe harbor” to such a demand, limiting the amount of prevailing party attorney’s fees that are recoverable in the event that the District takes specified action within the time specified in the statute. However, because this “safe harbor” does not reference compliance with the process set forth in sections 5019, 5020, 5021, and 5030 of the *Education Code* for such a transition to “by-district” trustee elections by a school district, the District has reason to believe that the demanding party would claim the “safe harbor” is inapplicable in the absence of a timely waiver of those sections.

The District does not adopt this anticipated argument, but in order to minimize undue hardship and extreme detriment to the District and its students that would be caused by the uncertainty of having to litigate the matter, and in order to render such arguments moot and to expeditiously implement the transition to “by-district” trustee elections, the District seeks a waiver of section 5020 and portions of sections 5019, 5021 and 5030 of the *Education Code*. Such action would facilitate local agency operations by avoiding needless litigation that would otherwise consume District resources.

Student Population: 20605

City Type: Urban

Public Hearing Date: 3/12/2020

Public Hearing Advertised: Newspaper Publication, District Website, School Sites, and District Office

Local Board Approval Date: 3/12/2020

Community Council Reviewed By: SCC – Superintendent’s Communication Committee, DELAC – District English Learner Advisory Committee

Community Council Reviewed Date: 3/5/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Sarah Koligian

Position: Superintendent

E-mail: [skoligian@fcusd.org](mailto:skoligian@fcusd.org)

Telephone: 916-294-9001

Fax: 916-294-9020

Bargaining Unit Date: 03/11/2020  
Name: CSEA–California School Employees Association  
Representative: Rob Thomas  
Title: CSEA President  
Phone: 916-294-9000  
Position: Support  
Comments:

Bargaining Unit Date: 03/10/2020  
Name: FCEA – Folsom Cordova Education Association  
Representative: Angelica Miklos  
Title: FCEA President  
Phone: 916-635-3202  
Position: Support  
Comments:

# Attachment 8 Gilroy Unified School District General Waiver Request 17-3-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4369484

Waiver Number: 17-3-2020

Active Year: 2020

Date In: 3/13/2020 8:55:25 AM

Local Education Agency: Gilroy Unified

Address: 7810 Arroyo Cir.

Gilroy, CA 95020

Start: 3/12/2020

End: 11/9/2022

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5019,5021,5030,all of 5020.

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: Our Governing Board discussed this topic at a Board Retreat and directed staff to put the process in place to transition from at-large elections to by-trustee area elections effective November 2020 elections. The Governing Board recognizes that it is incompatible with Civil Rights to ask a majority to decide whether minority rights should be protected. Therefore, we wish to have a waiver of this election requirement to expedite the transition. The District has consulted with its Superintendent's Parent Advisory Committee (SPAC), the District's English Learner Advisory Committee (DLAC), and its bargaining units. All are in support of this waiver request.

Student Population: 11135

City Type: Urban

Public Hearing Date: 3/12/2020

Public Hearing Advertised: The notice was posted on our website, at the District Office Lobby, and posted on all 15 schools.

Local Board Approval Date: 3/12/2020

Community Council Reviewed By: Superintendent's Advisory Council, District English Learner Advisory Committee (DLAC)

Community Council Reviewed Date: 3/9/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Alvaro Meza

Position: Assistant Superintendent, Business Services/C.B.O.

E-mail: [alvaro.meza@gilroyunified.org](mailto:alvaro.meza@gilroyunified.org)

Telephone: 669-205-4080

Fax: 831-846-7561

Bargaining Unit Date: 03/10/2020  
Name: California School Employees' Association (CSEA)  
Representative: Linda Figone  
Title: President  
Phone: 831-801-9393  
Position: Support  
Comments:

Bargaining Unit Date: 03/10/2020  
Name: Gilroy Federation of Paraeducators (GFP)  
Representative: Arcelia O'Connor  
Title: President  
Phone: 408-430-6701  
Position: Support  
Comments:

Bargaining Unit Date: 03/10/2020  
Name: Gilroy Teachers Association (GTA)  
Representative: Lindsay Hack  
Title: President  
Phone: 408-430-2766  
Position: Support  
Comments:

# Attachment 9 Glendora Unified School District General Waiver Request 3-2-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1964576

Waiver Number: 3-2-2020

Active Year: 2020

Date In: 2/5/2020 10:45:41 AM

Local Education Agency: Glendora Unified

Address: 500 North Loraine Ave.

Glendora, CA 91741

Start: 7/1/2019

End: 7/1/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: The GLENDORA 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 potential litigation.

Student Population: 7444

City Type: Suburban

Public Hearing Date: 1/27/2020

Public Hearing Advertised: Notice in newspaper, notice posted at each school, notice posted at District Office

Local Board Approval Date: 1/27/2020

Community Council Reviewed By: All school site councils

Community Council Reviewed Date: 12/19/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Robert Voors

Position: Superintendent

E-mail: [rvoors@glendora.k12.ca.us](mailto:rvoors@glendora.k12.ca.us)

Telephone: 626-963-1611 x1001

Fax: 626-335-2196

Bargaining Unit Date: 12/19/2019  
Name: California School Employees Association  
Representative: Marianne Nichols  
Title: President  
Phone: 626-963-5564  
Position: Neutral  
Comments:

Bargaining Unit Date: 12/19/2019  
Name: Glendora Teachers Association  
Representative: Joanne Johnson  
Title: President  
Phone: 626-852-4566  
Position: Neutral  
Comments:

# Attachment 10 Hacienda la Puente Unified School District General Waiver Request 12-2-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1973445

Waiver Number: 12-2-2020

Active Year: 2020

Date In: 2/14/2020 2:45:31 PM

Local Education Agency: Hacienda la Puente Unified

Address: 15959 East Gale Ave.

City Of Industry, CA 91745

Start: 2/13/2020

End: 2/12/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5019, 5020, 5030

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: Hacienda La Puente Unified School District Board of Trustees is transitioning from at-large elections to trustee area method of elections. Hacienda La Puente Unified School District requests the State Board of Education 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: 18097

City Type: Suburban

Public Hearing Date: 2/13/2020

Public Hearing Advertised: Public notice in local newspaper, posted in all school sites, District office, website, social media.

Local Board Approval Date: 2/13/2020

Community Council Reviewed By: District English Language Advisory Committee, District Advisory Committee, all School Site Councils

Community Council Reviewed Date: 2/4/2020

Community Council Objection: Yes

Community Council Objection Explanation: Two school site councils opposed the waiver. They would prefer to have an election.

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Mark Hansberger

Position: Interim Executive Director of Business Services

E-mail: [Mhansberger@hlpusd.k12.ca.us](mailto:Mhansberger@hlpusd.k12.ca.us)

Telephone: 626-543-0928

Bargaining Unit Date: 02/05/2020  
Name: California School Employees Association  
Representative: Cliff Walker  
Title: Acting President  
Phone: 626-543-3943  
Position: Neutral  
Comments:

Bargaining Unit Date: 02/04/2020  
Name: Hacienda La Puente Teachers Association  
Representative: Billie Joe Wright  
Title: President  
Phone: 818-635-3152  
Position: Support  
Comments:

# Attachment 11 Napa Valley Unified School District General Waiver Request 23-2-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 2866266

Waiver Number: 23-2-2020

Active Year: 2020

Date In: 2/28/2020 2:55:39 PM

Local Education Agency: Napa Valley Unified

Address: 2425 Jefferson St.

Napa, CA 94558

Start: 3/1/2020

End: 2/28/2022

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 18.

Outcome Rationale: The Napa 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 election process as expeditiously as possible, thereby enabling the District to avoid potential litigation arising from its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference to enable the District to avoid litigation under the California Voting Rights Act of 2001 (“CVRA”). The District currently uses 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 will leave it vulnerable to litigation in which the District would be exposed to the risk of a significant attorneys’ fee award to potential plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students. The District received a demand letter under the CVRA in January 2020, and is in jeopardy of litigation unless it implements by-trustee-area election process prior to the November 2020 elections. If the District is required to submit the transition to by-trustee-area elections to the voters in November 2020 before holding by-trustee-area elections in 2022, it risks litigation under CVRA for the trustee elections to be held in 2020.

Student Population: 16729

City Type: Rural

Public Hearing Date: 2/27/2020

Public Hearing Advertised: Notice of Public Hearing posted on District’s Web Site February 21, 2020; Public Hearing posted on Board of Trustees’ meeting agenda February 21, 2020.

Local Board Approval Date: 2/27/2020

Community Council Reviewed By: District English Learner Advisory Council, Superintendent’s Parents’ Advisory Committee

Community Council Reviewed Date: 2/19/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Rabinder Mangewala

Position: Assistant Superintendent, Business Services

E-mail: [rmangewala@nvusd.org](mailto:rmangewala@nvusd.org)

Telephone: 707-253-3533

Fax:

Bargaining Unit Date: 02/27/2020  
Name: California School Employees Association  
Representative: Edgar Ventura  
Title: President  
Phone: (707)294-5170  
Position: Neutral  
Comments:

Bargaining Unit Date: 02/27/2020  
Name: Napa Association of Pupil Services  
Representative: Lesley Walter  
Title: President  
Phone: (707)386-4035  
Position: Neutral  
Comments:

Bargaining Unit Date: 02/27/2020  
Name: Napa Valley Educators Association  
Representative: Gayle Young  
Title: President  
Phone: (707)363-1828  
Position: Neutrall  
Comments

# Attachment 12 Roseland Union Elementary School District General Waiver Request 5-4-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1563750

Waiver Number: 5-4-2020

Active Year: 2020

Date In: 4/9/2020 6:35:31 PM

Local Education Agency: Rosedale Union Elementary

Address: 2553 Old Farm Rd.

Bakersfield, CA 93312

Start: 5/1/2020

End: 4/30/2022

Waiver Renewal: No:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5019-5021 and 5030

Ed Code Authority: 33050 et seq.

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: Rosedale Union School District (“District”) is an elementary school district comprised of suburban and rural areas within the city of Bakersfield and unincorporated areas of Kern County. The District received a demand to move to trustee areas or face CVRA litigation from an attorney representing an alleged nonprofit organization located in Santa Barbara, California, but claiming to have Latino/Latina members in the District (although none have been identified). The District determined that it was not possible to create a majority-minority trustee area in the District but rather than expend precious resources on further investigation and protracted negotiations, the District determined to establish by-trustee area elections to protect itself from further threats of litigation, even if it meant redrawing those trustee area boundaries immediately after receipt of the 2020 Census data.

In the face of likely litigation, and with no admission of liability, the Governing Board adopted a resolution of intent (copy of Resolution 1920-11 uploaded with application) to move to a by-trustee area election system and, after implementing the procedures set forth in Elections Code section 10010, by resolution approved the change to by-district elections along with a trustee area which was proposed to and approved by the Kern County Committee on School District Organization on February 24, 2020.

Waiver of the election requirements noted above will enable the District to proceed to implement the change from the current at-large election system to a new “by-trustee area” electoral system for its November 2020 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.

In the normal course, the County Committee’s approval of a change to the District’s electoral system would act as an order of election, submitting the change to the District’s voters at the November 2020 election. That would, however, preclude the District from implementing the new system in time for that election, and expose the District to a lawsuit, as the change could be implemented by court order. Accordingly, the District consulted with its advisory committees, school site councils, and bargaining units, held a duly-noticed public hearing on April 9, 2020, and adopted a resolution approving the submission of an application/request for a waiver of the electoral requirement.

If the waiver is approved, a local election would not be held on the question of changing election systems: the system for electing trustees would change pursuant to the resolution adopted by the Governing Board and the approval of the County Committee. At the November 2020 board elections, two trustees will be elected in the new trustee areas.

Student Population: 5923

City Type: Suburban

Public Hearing Date: 4/8/2020

Public Hearing Advertised: Published in English and Spanish at all school sites, district office, district website, Facebook, Instagram, and Kern County Superintendent of Schools web page.

Local Board Approval Date: 4/8/2020

Community Council Reviewed By: Rosedale Union DELAC; School site councils for Almondale Elementary, American Elementary, Centennial Elementary, Del Rio Elementary, Freedom Middle, Independence Elementary, Patriot Elementary, Rosedale Middle, Rosedale North Elementary.

Community Council Reviewed Date: 4/7/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sue Lemon

Position: Superintendent

E-mail: [slemon@ruesd.net](mailto:slemon@ruesd.net)

Telephone: 661-588-6000

Fax: 661-588-6009

Bargaining Unit Date: 04/07/2020  
Name: California School Employees Association Chapt.508  
Representative: Richard Garrett  
Title: President  
Phone: 661-342-6694  
Position: Support

Bargaining Unit Date: 04/07/2020  
Name: Rosedale Teachers Association/CTA/NEA  
Representative: Maureen Shearon  
Title: President  
Phone: 661-342-1888  
Position: Support

# Attachment 13 Rowland Unified School District General Waiver Request 8-3-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1973452

Waiver Number: 8-3-2020

Active Year: 2020

Date In: 3/6/2020 4:16:53 PM

Local Education Agency: Rowland Unified

Address: 1830 South Nogales Street

Rowland Heights, CA 91748

Start: 1/1/2020

End: 12/31/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: Compliance with California Voting Rights Act (CVRA)

Student Population: 14000

City Type: Small

Public Hearing Date: 12/12/2019

Public Hearing Advertised: Notice in the local newspaper, notice posted at each school and notice posted on the District website and three public places in the community.

Local Board Approval Date: 12/12/2019

Community Council Reviewed By: Rowland Council Parent Teacher Association and RUSD English Language Advisory Committee

Community Council Reviewed Date: 10/24/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Julie Mitchell

Position: Superintendent of Schools

E-mail: [jmitchell@rowlandschools.org](mailto:jmitchell@rowlandschools.org)

Telephone: 626-854-8300

Bargaining Unit Date: 12/10/2019  
Name: Association of Rowland Educators (ARE)  
Representative: Shay Lohman  
Title: President  
Phone: 626-833-0105  
Position: Support  
Comments:

Bargaining Unit Date: 12/11/2019  
Name: California School Employees Association (CSEA)  
Representative: Marco Maldonado  
Title: President  
Phone: 626-965-1696  
Position: Neutral  
Comments

# Attachment 14 San Juan Unified School District General Waiver Request 15-3-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3467447

Waiver Number: 15-3-2020

Active Year: 2020

Date In: 3/12/2020 8:55:15 AM

Local Education Agency: San Juan Unified

Address: 3738 Walnut Ave.

Carmichael, CA 95650

Start: 3/10/2020

End: 3/8/2022

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 18.

Outcome Rationale: The District has received a demand to move from at large school board elections to by-trustee area school board elections. In order to meet the timeline to have by-trustee area elections occur on November 3, 2020, it is necessary to request a waiver of the need to hold an election in November 2020, of the District's votes to determine if they wish to move to by-trustee area elections.

Student Population: 39500

City Type: Suburban

Public Hearing Date: 3/10/2020

Public Hearing Advertised: Sacramento Bee on 03/06/2020; posting of notices at schools on 03/04/2020

Local Board Approval Date: 3/10/2020

Community Council Reviewed By: DELAC, LCAP PAC (03/06/20 email to Curriculum & Standards,to Facilities, to Bond Oversight)

Community Council Reviewed Date: 3/3/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Michelle Cannon

Position: counsel

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

Telephone: 916-329-7433

Fax: 916-971-7704

Bargaining Unit Date: 03/03/2020  
Name: CA Schools Employees Association  
Representative: Karen Smith  
Title: President   
Phone: (916) 971-7105  
Position: Support  
Comments:

Bargaining Unit Date: 02/27/2020  
Name: San Juan Professional Educators Coalition  
Representative: Suzanne Bender  
Title: President  
Phone: (916) 971-7853  
Position: Support  
Comments:

Bargaining Unit Date: 02/28/2020  
Name: San Juan Supervisors Association  
Representative: Cherie Chenoweth  
Title: President  
Phone: (916) 979-8629  
Position: Support  
Comments:

Bargaining Unit Date: 02/20/2020  
Name: San Juan Teachers Association  
Representative: Shannon Brown  
Title: Executive Director  
Phone: 916.487- 7582 (SJTA)   
Position: Support  
Comments:

Bargaining Unit Date: 02/28/2020  
Name: Teamsters  
Representative: Alan Daurie  
Title: Business Agent  
Phone: (916) 392-7070  
Position: Support  
Comments:

# Attachment 15 Solana Beach Elementary School District General Waiver Request 1-4-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3768387

Waiver Number: 1-4-2020

Active Year: 2020

Date In: 4/6/2020 11:25:38 AM

Local Education Agency: Solana Beach Elementary

Address: 309 North Rios Ave.

Solana Beach, CA 92101

Start: 6/1/2020

End: 5/31/2022

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: The Solana Beach 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 received a demand letter under Elections Code section 10010. 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: 2891

City Type: Suburban

Public Hearing Date: 3/12/2020

Public Hearing Advertised: Public Hearing Notice was posted at all school sites in the District, and on a community board outside the District Office.

Local Board Approval Date: 3/12/2020

Community Council Reviewed By: Districtwide PTA/PTO Roundtable; District English Language Advisory Committee (DELAC)

Community Council Reviewed Date: 2/6/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Mark Bresee

Position: Counsel

E-mail: [mbresee@aalrr.com](mailto:mbresee@aalrr.com)

Telephone: 949-294-7439

Bargaining Unit Date: 03/03/2020  
Name: Solana Beach Association of Support Professionals  
Representative: Ali Mirzahossein  
Title: President  
Phone: 858-794-7100  
Position: Support  
Comments:

Bargaining Unit Date: 03/05/2020  
Name: Solana Beach Teachers Association  
Representative: Jesse Atkins  
Title: President  
Phone: 858-794-7100  
Position: Support  
Comments:

# Attachment 16 Sonoma Valley Unified School District General Waiver Request 4-2-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4970953

Waiver Number: 4-2-2020

Active Year: 2020

Date In: 2/6/2020 8:04:48 AM

Local Education Agency: Sonoma Valley Unified

Address: 17850 Railroad Ave.

Sonoma, CA 95476

Start: 1/24/2020

End: 1/22/2022

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 18.

Outcome Rationale: The Sonoma Valley Unified School District wants to move to trustee elections by the trustee area moving away from an at large election in accordance with California Voters Rights Act. The district wants to waive the requirement to hold a district-wide selection on this matter.

Student Population: 3800

City Type: Urban

Public Hearing Date: 12/17/2019

Public Hearing Advertised: Local newspaper, district website, posted at location of meeting

Local Board Approval Date: 12/17/2019

Community Council Reviewed By: N/A

Community Council Reviewed Date: 12/17/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Bruce Abbott

Position: Associate Superintendent

E-mail: [babbott@sonomaschools.org](mailto:babbott@sonomaschools.org)

Telephone: 415-203-4596

Bargaining Unit Date: 02/03/2020  
Name: California School Employees Association  
Representative: Kimberly Smith  
Title: President  
Phone: 707 935 6020  
Position: Neutral  
Comments:

Bargaining Unit Date: 02/03/2020  
Name: Valley of the Moon Teacher Association  
Representative: Justin Hollander  
Title: President  
Phone: 707 935 6020  
Position: Neutral  
Comments:

# Attachment 17 South San Francisco Unified School District General Waiver Request 3-3-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4169070

Waiver Number: 3-3-2020

Active Year: 2020

Date In: 3/4/2020 8:42:08 AM

Local Education Agency: South San Francisco Unified

Address: 398 B St.

South San Francisco, CA 94080

Start: 1/1/2020

End: 1/1/2022

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

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

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: See Attachment 18.

Outcome Rationale: On August 16, 2018, the District’s Board of Trustees adopted a Resolution of Intent to transition to by-district elections for the November 2020 elections. This was done, in part, to prevent future costly litigation which could have an impact on the District’s efforts to serve its students.

Student Population: 8408

City Type: Small

Public Hearing Date: 2/13/2020

Public Hearing Advertised: The public hearing was advertised in the San Mateo Daily Journal, a local daily newspaper.

Local Board Approval Date: 2/13/2020

Community Council Reviewed By: SSFUSD PTA Council Advisory Group

Community Council Reviewed Date: 1/10/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Shawnterra Moore

Position: Superintendent

E-mail: [smoore@ssfusd.org](mailto:smoore@ssfusd.org)

Telephone: 650-877-8500 x8705

Fax: 650-583-4717

Bargaining Unit Date: 01/10/2020  
Name: CSEA Chapter 197  
Representative: Jolene Malfatti  
Title: President  
Phone: 650-877-5320  
Position: Neutral  
Comments:

Bargaining Unit Date: 01/10/2020  
Name: SSF California Teachers Association  
Representative: Daniel Yanow  
Title: President  
Phone: 650-877-8848  
Position: Neutral  
Comments:

# Attachment 18 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.