

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

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

## Subject

Request by **River Delta Joint Unified School District** to waive California *Education Code* Section 5020, which requires an election to adopt one of the alternative methods of electing governing board members in Section 5030.

## Waiver Number

25-2-2020

## Type of Action

Action, Consent

## Summary of the Issue(s)

Pursuant to California *Education Code* (*EC*) sections 5019 and 5020, a school district may adopt one of the alternative methods of electing governing board members listed in *EC* Section 5030 if the action is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election. The River Delta Joint Unified School District (JUSD), under the jurisdiction of the Sacramento County Superintendent of Schools, currently uses trustee areas to establish eligibility for board membership but allows all voters in the district to vote for every board member, regardless of trustee area. Approval of the waiver request will allow the River Delta JUSD to change to an election method whereby board members residing in each trustee area will be elected only by the voters of that particular trustee area. The change will become effective upon review and approval by the Sacramento County Committee and will not be required to be submitted to the voters of the district.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

The River Delta JUSD is divided into five trustee areas, with one governing board member residing within each trustee area. Although this trustee area residency requirement exists for board members, voters from across the entire district participate in elections for each board member. Concerns with this method of election were raised by district residents during the district’s 2019 process to redraw trustee-area boundaries. The River Delta JUSD is a geographically large district that serves numerous rural communities in three counties: Sacramento, Solano, and Yolo. Members of these communities expressed a number of concerns including: (1) their lack of familiarity with board members outside their community and (2) confusion when they are asked to vote for unfamiliar candidates.

In response to these community concerns, the River Delta JUSD is requesting that the Sacramento County Committee approve an election method whereby a district governing board member be elected only by voters of the trustee area within which the board member resides.[[1]](#footnote-1) Sacramento County Committee approval would constitute an order of election pursuant to *EC* Section 5020. SBE approval of the waiver request will eliminate this election requirement and resultant district costs for the election.

The California Department of Education (CDE) has reviewed the waiver request and has determined that there was no significant opposition to the waiver at the public hearing held by the governing board. The CDE also has determined that none of the findings specified in *EC* Section 33051, which authorize denial of a waiver, exist. Thus, the CDE recommends the State Board of Education (SBE) approve the request by the River Delta JUSD to waive *EC* Section 5020, which requires a districtwide election to adopt one of the alternative methods of electing governing board members listed in *EC* Section 5030.

**Demographic Information:** The River Delta JUSD has a student population of 1,936 and is located in rural areas of Sacramento, Solano, and Yolo counties.

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

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

The SBE has approved over 200 waiver requests to eliminate the election to establish a by-trustee-area method of election—establishment of a by-trustee-area method of election includes adoption of one of the alternative methods of electing governing board members listed in *EC* Section 5030.

## Fiscal Analysis (as appropriate)

Approval of the waiver request will not have fiscal effects on any local or state agency. Disapproval of the request may result in election costs for the River Delta JUSD.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** River Delta Joint Unified School District General Waiver Request 25-2-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 5020

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted** | **Public Hearing and Board Date** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 25-2-2020 | River Delta Joint Unified School District | **Requested:** March 30, 2020, to March 28, 2022  **Recommended:** March 30, 2020, to March 28, 2022 | River Delta Unified Teachers Association, William Hodges, President 12/17/2019 **Support**  California School Employees Association, Mary Weathers, President 11/13/2019 **Support** | January 14, 2020 | District English Learner Advisory Committee (2/26/2020) **No objections** |

Created by California Department of Education  
March 2020

# Attachment 2: River Delta Joint Unified School District General Waiver Request 25-2-2020

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3467413

Waiver Number: 25-2-2020

Active Year: 2020

Date In: 2/28/2020 3:41:30 PM

Local Education Agency: River Delta Joint Unified

Address: 445 Montezuma St.

Rio Vista, CA 94571

Start: 3/30/2020

End: 3/28/2022

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Election of Governing Board

Ed Code Section: 5020

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 5020.

(a) The resolution of the county committee approving a proposal to establish and adopt one of the alternative methods of electing governing board members specified in Section 5030, 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.]

Outcome Rationale: River Delta Unified School District (RDUSD) is located in three counties: Yolo, Sacramento and Solano County. We serve 11 rural communities that are all distinct in demographics. RDUSD is approximately 500 square miles, 50 square miles in length. Currently we have a Hybrid At-Large Election Method with approved Trustee Area boundary changes in 2019. The request came up while we were finalizing the approval of the boundary changes. Our community members explained that the high percentage of low socio-economic families served in all communities are limited in transportation methods and, therefore, access and connection with Board of Trustees outside of their area boundaries is virtually non-existent. Our parents and community members are extremely familiar with the candidates from their area and prefer to communicate and support only those within their area. The majority of voters are confused when they receive a ballot that includes candidates from other areas because they are not familiar with those individuals. Candidates for our Board of Trustees representing each of the areas take pride in support the distinct academic needs of the demographic groups in each area.

Student Population: 1936

City Type: Rural

Public Hearing Date: 1/14/2020

Public Hearing Advertised: Public Hearing Notices were posted on the District's website, and at the District Office; emailed to the District's school sites and local libraries.

Local Board Approval Date: 1/14/2020

Community Council Reviewed By: District English Learner Advisory Committee

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: Ms. Katherine Wright

Position: Superintendent

E-mail: [kwright@rdusd.org](mailto:kwright@rdusd.org)

Telephone: 707-374-1700 x1712

Fax: 707-374-2995

Bargaining Unit Date: 11/13/2019  
Name: California School Employees Association  
Representative: Mary Weathers  
Title: President  
Phone: 916-744-1714  
Position: Support

Bargaining Unit Date: 12/17/2019  
Name: River Delta Unified Teachers Association  
Representative: William Hodges  
Title: President  
Phone: 916-744-1714  
Position: Support

1. The California Voting Rights Act of 2001 also promotes “district-based elections,” which is defined as “a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.” (*Elections Code* Section 14026[b]) [↑](#footnote-ref-1)