

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education September 2022 Agenda Item #W-02

## Subject

Request by the **Hacienda la Puente Unified School District** to waive portions of California *Education Code* Section 15282(a), relating to number of members and term limits for members of a Citizens’ Oversight Committee for all construction bonds in the district.

## Waiver Number

20-3-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Hacienda la Puente Unified School District (USD) is requesting a waiver of portions of California *Education Code* (*EC*) Section 15282(a) to allow the district to have members of the Citizens’ Oversight Committee (COC) continue beyond the limit of three consecutive terms. The district is further requesting a waiver of the *EC* Section 15282(a) requirement that the COC have a minimum of seven members.

## Authority for Waiver

California *EC* Section 33050

## Recommendation

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

The California Department of Education recommends that the State Board of Education approve the request from Hacienda la Puente USD to waive specified portions of *EC* Section 15282(a) with the following conditions:

1. Within 60 days of approval of the waiver, the district must initiate a new recruitment effort. This recruitment effort must include posting of notices online and in appropriate physical locations.
2. The four members of the COC whose third term is ending in 2022, as detailed in Attachment 1, may serve an additional two-year fourth term, expiring in 2024.
3. The COC shall have at least six members through the term of the waiver.
4. The waiver shall expire on August 30, 2024.

## Summary of Key Issues

Under the provisions of *EC* sections 33050 through 33053, the Hacienda la Puente USD is requesting that specific language of *EC* Section 15282(a) relating to term limits for members of a COC be waived. The purpose of the COC is to inform the public concerning the expenditure of bond revenues. The COC reviews reports on the proper expenditure of taxpayers’ money for school construction. The COC holds public meetings and advises the public as to whether the district is in compliance with all of the statutory requirements of the bond and school construction projects.

*EC* Section 15282(a) limits members of a local bond citizens’ oversight committee to three consecutive terms. It also requires a minimum of seven members on an oversight committee. Recruitment for these positions is further complicated by the statutory requirement that four of the seven members reflect certain demographics; specifically, a member active in an organization representing the business community located within the district, a member active in a senior citizens’ organization, a member active in a taxpayers’ organization, and a parent of a student active in a parent-teacher organization.

Four members of Hacienda la Puente USD’s Measure BB COC are nearing the end of their third term, having served since it was established on January 12, 2017. The district is requesting the waiver in order to allow willing members to continue to serve. The extension of time would permit their continued participation, preserving continuity and enabling these members to provide continued advice and guidance. The district is also requesting that the requirement that the board be composed of a minimum of seven members be waived. One of the COC members recently resigned, leaving the COC without its minimum statutory complement.

The district has engaged in substantial local recruitment efforts which resulted in the appointment of three new members in September of 2021. Despite these efforts, they have not found replacements for the remaining four members whose final terms are expiring. Further, between the resignation and expiring terms, the COC stands to lose five members, with none of the remaining members having served for more than one year. This is a significant loss of continuity and expertise.

The district has expended or encumbered approximately $48 million of the total $148 million in bond funding authorized by Measure BB, which authorized the issuance of bonds and the creation of the COC.

**Demographic Information:** The Hacienda la Puente USD has a student population of 17,329 and is located in the San Gabriel Valley, in eastern Los Angeles County. It includes portions of La Puente, West Covina, and the City of Industry.

**Because this is a general waiver, if the State Board of Education 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 all previous waivers regarding Citizens’ Oversight Committees. The district is requesting to waive the provisions regarding the minimum number and the term limits of members of the Citizens’ Oversight Committee.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval or denial.

## Attachment(s)

* **Attachment 1:** Citizens’ Oversight Committee Members (1 page)
* **Attachment 2**: Summary Table (1 page)
* **Attachment 3:** Hacienda la Puente Unified School District General Waiver Request Waiver #20-3-2022 (2 pages) (Original waiver request is signed and on-file in the Waiver Office.)

# Attachment 1: Citizens’ Oversight Committee Members

Hacienda la Puente Unified School District

| **Name** | **Position** | **Term 1** | **Term 2** | **Term 3** |
| --- | --- | --- | --- | --- |
| Leticia Covarrubias | Business Organization Representing the Business Community Located in the District (Chair) | 9/2016 - 9/2018 | 9/2018 - 9/2020 | 9/2020 - 9/2022 |
| Olivia Roberts | Member at Large (Vice-Chair) | 9/2016 - 9/2018 | 9/2018 - 9/2020 | 9/2020 - 9/2022 |
| Charlie Klinakis | Taxpayers’ Association | 9/2016 - 9/2018 | 9/2018 - 9/2020 | 9/2020 - 9/2022 |
| Gabriela Navar | Parent or Guardian of a Child Enrolled in the District | 9/2021 - 9/2023 |  |  |
| Philip Kraft | Both a Parent or Guardian of a Child Enrolled in the District and Active in a Parent Teacher Organization or School Site Council | 9/2021 - 9/2023 |  |  |
| Reina Schmitz | Senior Citizens’ Organization | 9/2016 - 9/2018 | 9/2018 - 9/2020 | 9/2020 - 9/2022 |

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July 2022

# Attachment 2: Summary Table

California *Education Code (EC)* Section 15282(a)

| **Waiver Number** | **School District** | **Period of Request** | **Local Board Approval Date** | **Public Hearing Date** | **Bargaining Unit, Representatives Consulted, Date, and Position** | **Advisory Committee Consulted** |
| --- | --- | --- | --- | --- | --- | --- |
| 20-3-2022 | Hacienda la Puente Unified | **Requested:**  September 1, 2022 to June 30, 2027  **Recommended:**  September 1, 2022 to August 30, 2024 | 1/25/22 | 2/10/22  Advertised on website, posted on public bulletin and at school sites | Billie Joe Wright, President Hacienda la Puente Teachers Association  4/18/22  **Neutral**  Margaret Caldera, President  California State Employees Association  4/18/22  **Neutral**  Joyce Garcia, President  Service Employees International Union  4/18/22  **Neutral** | Bond Oversight Committee  10/6/21  **No objections** |

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# Attachment 3: **Hacienda la Puente Unified School District General** **Waiver Request 20-3-2022**

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1973445

Waiver Number: 20-3-2022

Active Year: 2022

Date In: 3/24/2022 12:09:45 PM

Local Education Agency: Hacienda la Puente Unified

Address: 15959 East Gale Ave.

City Of Industry, CA 91745

Start: 9/1/2022

End: 6/30/2027

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Other Waivers

Ed Code Title: Other Waivers

Ed Code Section: 15282 a

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: (a) The citizens’ oversight committee shall consist of [at least seven] members who shall serve for a minimum term of two years without compensation [and for no more than three consecutive terms]. While consisting of [a minimum of at least seven] members, the citizens’ oversight committee shall be comprised, as follows:

Outcome Rationale: The district is having trouble recruiting new members to fill all of the required roles. The current members are willing to stay, provided the state allows. The district and community would appreciate the continuity.

Student Population: 16521

City Type: Urban

Public Hearing Date: 2/10/2022

Public Hearing Advertised: Website, Posted on public bulletin and at school sites

Local Board Approval Date: 1/25/2022

Community Council Reviewed By: HLPUSD Board of Education, Citizen's Bond Oversight Committee

Community Council Reviewed Date: 10/6/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Manoj Roychowdhury

Position: Associate Superintendent, Business Services

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