

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education May 2023 AgendaItem #W-08

## Subject

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

## Waiver Number

6-11-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Oxnard School District (SD) is requesting a waiver of portions of California *Education Code* (*EC*) Section 15282(a) to allow the district to have certain members of the Citizens’ Oversight Committee (COC) continue beyond the statutory limit of three consecutive terms.

## Authority for Waiver

California *EC* Section 33050

## Recommendation

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

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve this request from the Oxnard SD to waive *EC* Section 15282(a) to allow the district to have members Ray Will Jr., Lisa Latimer, and John Jay) of the COC continue for an additional two-year term, ending for all three members on December 31, 2024.

## Summary of Key Issues

Under the provisions of *EC* sections 33050 through 33053, the Oxnard SD is requesting that specific language of *EC* Section 15282(a) relating to term limits for a member of its COC be waived. The purpose of the COC is to inform the public concerning the expenditure of bond revenues. The COC reviews and 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.

The Measure D Bond Citizens’ Oversight Committee is the citizens’ oversight body for $142.5 million in General Obligation Bonds for Oxnard SD. Three members, Ray Will Jr., Lisa Latimer (Vice Chair), and John Jay, termed out in January of 2023. The COC has historically struggled to maintain a working quorum. Two meetings in 2021 had to be canceled due to lack of quorum, and the committee has not met since October of 2022 for the same reason. Re-appointment of these three members, who have expressed a willingness to continue serving, would allow the COC to continue operations and oversight of the district’s bond expenditures. Additionally, these members have all developed a measure of expertise and familiarity with the projects being funded by the bond measure. Approval of this waiver will help preserve continuity and enable these members to continue to provide advice and guidance to the COC and district.

The district has engaged in substantial local recruitment efforts, including advertising in the local paper, at school sites, and on the district’s website. They have also announced the vacancies at governing board meetings and COC meetings, as well as informing their bargaining unit representatives of the need. Despite these efforts, they have ongoing unfilled vacancies. Between existing vacancies and expiring terms, the COC has been unable to meet due to quorum requirements.

The district has expended or encumbered approximately the total $142.5 million in bond funding authorized by Measure D, which authorized the issuance of bonds and the creation of the COC. They anticipate completing the remaining projects in less than two years.

**Demographic Information:** The Oxnard SD has a student enrollment of 14,185 and is located in the city of Oxnard, in the southwestern portion of Ventura County.

**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 term limits of members of the Citizens’ Oversight Committee, which is consistent with past waivers of this type.

## 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:** Oxnard School District General Waiver Request Waiver #6-11-2022 (3 pages) (Original waiver request is signed and on-file in the Waiver Office.)

# Attachment 1: Citizens’ Oversight Committee Members

Oxnard School District

| Name  | Position | Term 1  | Term 2 | Term 3 |
| --- | --- | --- | --- | --- |
| vacant | Business Organization Representing the Business Community Located in the District |  |  |  |
| vacant | Member at Large |  |  |  |
| Lisa Latimer | Member at Large (Vice Chair), | 1/2017-1/2019 | 1/2019 – 1/2021 | 1/2021 – 1/2023 |
| John Jay | Taxpayers’ Association | 1/2017-1/2019 | 1/2019 – 1/2021 | 1/2021 – 1/2023 |
| Alyssa Maria | Parent or Guardian of a Child Enrolled in the District (Chair) | 5/2019 - 5/2021 | 5/2021-5/2023 |  |
| Ray Will Jr. | Both a Parent or Guardian of a Child Enrolled in the District and Active in a Parent Teacher Organization or School Site Council | 1/2017-1/2019 | 1/2019 – 1/2021 | 1/2021 – 1/2023 |
| vacant | Senior Citizens’ Organization |  |  |  |

Created by California Department of Education
April 2023

# 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 |
| --- | --- | --- | --- | --- | --- | --- |
| 6-11-2022 | Oxnard School District | **Requested:**January 1, 2023 to December 31, 2025**Recommended:**January 1, 2023 to December 31, 2024 | 11/16/22 | 11/16/22Advertised on website, local newspaper, and at school sites | Stacie Thurman, PresidentOxnard Employees Association10/18/22**Support**Ilene Poland, PresidentCalifornia State Employees Association10/18/22**Support**Shiri Hermesh, PresidentOxnard Support Services Association10/18/22**Support** | Measure D Citizens Bond Oversight Committee10/17/22**No objections** |

Created by California Department of Education
March 2023

# Attachment 3: **Oxnard School District General** **Waiver Request 6-11-2022**

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 5672538

Waiver Number: 6-11-2022

Active Year: 2022

Date In: 11/18/2022 4:59:10 PM

Local Education Agency: Oxnard

Address: 1051 South A St.

Oxnard, CA 93030

Start: 1/1/2023

End: 12/31/2025

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date: 12/5/2022

Waiver Topic: School Construction Bonds

Ed Code Title: Citizens Oversight Comittee - Term Limits

Ed Code Section: 15282(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 15282. (a) The citizens' oversight committee member shall serve a term of two (2) years, beginning on January 19, 2017. [No member may serve more than three (3) consecutive terms.]...

Outcome Rationale: The Measure D Citizens Bond Oversight Committee (CBOC) is the citizens' oversight body for $142.5 million in General Obligation Bonds for Oxnard School District. Three (3) of the members, including the current Chair and Vice Chair, will be termed out In January 2023. Approval of this waiver will allow the District to benefit from the outstanding expertise and contributions of those members during the next phases of the building program. Approval of this waiver will help preserve continuity and enable several experienced members to continue to provide advice and guidance to the CBOC and to the District. Additionally, it has proven a challenge in the past to find members that are willing to make this commitment; the current group has been a good "fit". They have been consistent in their involvement with this Committee, and all have expressed their willingness to continue to serve.

Student Population: 14185

City Type: Urban

Public Hearing Date: 11/16/2022

Public Hearing Advertised: 10/21/22 Posted in newspaper,10/19/22 Posted at ea

Local Board Approval Date: 11/16/2022

Community Council Reviewed By: Measure D Citizens Bond Oversight Committee

Community Council Reviewed Date: 10/17/2022

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Valerie Mitchell

Position: Interim Assistant Superintendent, Business Service

E-mail: vmitchell@oxnardsd.org Telephone: 805-385-1501 x2401

Fax: 805-385-1510

Bargaining Unit Date: 10/18/2022
Name: CSEA
Representative: Ilene Poland
Title: CSEA President
Phone: hugger50@aol.com
Position: Support

Bargaining Unit Date: 10/18/2022
Name: OEA
Representative: Stacie Thurman
Title: OEA President
Phone: oxnardea@gmail.com
Position: Support

Bargaining Unit Date: 10/18/2022
Name: OSSA
Representative: Shiri Hermesh
Title: OSSA President
Phone: shermesh@oxnardsd.org
Position: Support