

Waiver of the Election Requirement when Transitioning to By-Trustee Area Elections



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Brief Review of Process for Transitioning to By-Trustee Area Elections



Transition From At-Large to By-Trustee Area Election Process

The Process

- District-Initiated Process:
 - Begins with the District adopting a by-trustee area election map and a resolution requesting that the County Committee on School District Organization approve the transition from an at-large election process to by-trustee area election process.

Transition From At-Large to By-Trustee Area Election Process

The Process

- The County Committee must hold at least one public hearing within the District's boundaries. (Education Code Section 5019 (c)(2).)
- Following the public hearing, the County Committee must by resolution either approve or reject the proposal **and set a date for the election.**

Transition From At-Large to By-Trustee Area Election Process (cont.)

- If an election is called by the County Committee, the only questions before the voters would be:
 - For the establishment of trustee areas in Bonita USD – **Yes**
 - OR
 - For the establishment of trustee areas in Bonita USD – **No**

- Questions required by Ed. Code section 5020

What if the Voters Vote **NO**?

- If the voters reject the District's transition to by-trustee area elections, the District would continue to conduct at-large elections.
- At large elections subject the District to liability under the CVRA.
- If sued under the CVRA, the District would not be able to use the outcome of the election as a defense.

Waiver of the Election Requirement



Waiver of the Election Requirement

- Before January 1, 2022, as an alternative to the election requirement and in order to avoid the expense and uncertain outcome of an election on whether to change its election process, pursuant to Education Code sections 33050-33053, **the District could file a request only with the State Board of Education (“SBE”) to waive the election requirement.**
- Recent legislation has provided additional options for districts.

Waiver of the Election Requirement

- New Legislation (SB 442) allows the District to seek a waiver of the election requirement for the question of method of election transition from the Los Angeles County Committee on School District Organization.
- The Committee's resolution required by Education Code section 5020 must "include a declaration that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001."

Stakeholder Feedback Required

- The District must consult with bargaining units and obtain their positions on the waiver:
 - Neutral
 - Support
 - Oppose
- The District must consult with “appropriate advisory councils or advisory committees:”
 - Bilingual advisory committee
 - DELAC
 - LCAP

The Waiver Process

- To get a waiver from the SBE, the Board must hold a **public hearing on the waiver request** prior to submitting the request to the SBE. (Education Code Section 33050(a),(d)(1) and (2).)
- We also recommend holding a public hearing if the request is going to be submitted to the Los Angeles County Committee on School District Organization.

Important Note

- THE WAIVER **DOES NOT** IMPACT OR ELIMINATE THE PUBLIC'S RIGHT TO VOTE FOR SCHOOL BOARD MEMBERS!

Effect of Waiver

- Once the waiver is approved by the State Board of Education or the Los Angeles County Committee on School District Organization, the District can conduct subsequent elections for the Board of Education as by-trustee area elections.

Question & Answer