

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 Etiwanda School District – **Yes**
- OR
- For the establishment of trustee areas in Etiwanda School District – **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 from the State Board of Education



Waiver of the Election Requirement

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 may file a request with the State Board of Education (“SBE”) to waive the election requirement.**

- In order to obtain a waiver, a proper application must be completed and submitted to the SBE.
- The application needs to reflect whether the exclusive representatives of the District’s employees have been involved in the preparation of the waiver request, and their position thereon.

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

- 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).)
- Following the public hearing, the Board may adopt the waiver request.
- District must be aware of SBE meeting schedule and plan accordingly.

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, the District can conduct subsequent elections for the Board of Education as by-trustee area elections.

Question & Answer

Thank You

For questions or comments, please contact:

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