



Resolution No.: 2017/18-030

RESOLUTION AUTHORIZING THE SUBMISSION OF A GENERAL WAIVER REQUEST TO BE APPROVED BY THE STATE BOARD OF EDUCATION CONCERNING THE DISTRICT'S TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM

A. On August 9, 2017, the Governing Board ("Board") of the Santa Rosa City Schools ("District") passed Resolution No. 2017/18-002 initiating the process for the District to transition from an "at-large" election system to a "by-trustee area" election system commencing with the 2018 Board elections.

B. Although Education Code section 5020 normally requires a resolution approved by the local county committee on school district organization authorizing a change in the method of electing governing board members be submitted to the electorate for its approval at the District's next regular election, the State Board of Education is authorized to waive section 5020(a) and portions of sections 5019, 5021, and 5030 of the Education Code related to such election requirement.

C. The Board in passing Resolution No. 2017/18-002 expressed its intention to seek a waiver of the ballot requirement from the State Board of Education as permitted under Education Code sections 33050-33053. By seeking a waiver from the election requirement, the District will make sure the new by-trustee area election system is implemented by the 2018 Governing Board election, thereby reducing the risk of any potential liability to the District under the California Voting Rights Act ("CVRA"), in addition to reducing costs for the District associated with placing an item on the ballot.

D. In order to obtain a waiver from the State Board of Education, the District must comply with Education Code sections 33050 and 33051 and State Board of Education and California Department of Education regulations and requirements. Such requirements include conducting a noticed public hearing whereby the public may testify on the merits of obtaining a waiver from the State Board of Education and submitting a completed General Waiver Request form to the California Department of Education to be approved by the State Board of Education. Such requirements further include contacting the District bargaining units, advisory committees and councils.

E. On February 14, 2018, during a meeting of the Board, the Board convened a duly-noticed public hearing to solicit public testimony on the merits of obtaining a waiver of the election requirement from the State Board of Education.

NOW, THEREFORE, the Governing Board of the Santa Rosa City Schools does hereby resolve, order, and determine as follows:

1. The above recitals are true and correct.
2. That after receiving and considering public testimony at a duly-noticed public hearing, the Board hereby approves the application of a General Waiver Request, to be approved by the State Board of Education, seeking waiver of Education Code Section 5020 and portions of Sections 5019, 5021, and 5030, pertaining to the requirement that a change in the District's election system from an "at large" election system to a "by-trustee area" election system be presented to the electorate of the District.
3. That the District has consulted all collective bargaining units and shall note the collective bargaining units' positions regarding the waiver in the District's General Waiver Request.
4. That the District has consulted with all applicable advisory committees and councils regarding the waiver and shall note such consultation in the District's General Waiver Request.
5. The Board hereby authorizes and directs the Superintendent, or her designee, to submit a General Waiver Request to the California Department of Education, to be approved by the State Board of Education, seeking a waiver from the election requirement imposed by the Education Code sections noted herein, so as to ensure the timely implementation of the District's by-trustee area election system for the 2018 Governing Board elections, and to take all actions necessary to effect the intent of this resolution.
6. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board on February 14, 2018.

Laurie Fong, Clerk of the Governing Board