SAN RAFAEL CITY SCHOOLS
RESOLUTION NO. 1920-1

RESOLUTION AUTHORIZING THE APPLICATION AND REQUEST TO THE STATE BOARD OF EDUCATION FOR A WAIVER OF THE REQUIREMENT THAT THE ESTABLISHMENT OF TRUSTEE AREAS AND ADOPTION OF A "BY-TRUSTEE AREA" ELECTION PROCESS BE SUBMITTED TO THE ELECTORS AS SET FORTH IN EDUCATION CODE SECTIONS 5019, 5020, 5021 AND 5030

WHEREAS, San Rafael City Schools ("District") is governed by a five member Board of Education ("Board");

WHEREAS, members of the Board are elected "at large," in which each member of the Board is elected by the registered voters of the entire District;

WHEREAS, upon application to the Marin County Committee on School District Organization, the election of Board members may be transitioned from "at large" to "by-trustee area" elections;

WHEREAS, the California Voting Rights Act (Elec. Code, §§ 14025 et seq.)("CVRA") prohibits the use of "at large" elections where their use impairs the ability of a protected class to elect candidates of its choice, or its ability to influence the outcome of elections;

WHEREAS, following discussion of the CVRA and the District's current at large elections the Board adopted Resolution No. 1819-24 at its March 25, 2019 meeting, which indicated that the Board intended to make the transition from at-large to by-trustee area elections;

WHEREAS, the District retained an experienced demographer to work with its legal counsel and staff to develop proposed trustee area boundary maps;

WHEREAS, subsequent to six public hearings and three community workshops, the Board plans to adopt by-trustee area elections at its meeting on August 26, 2019, and direct that its proposal be submitted to the Marin County Committee on School District Organization for approval; and

WHEREAS, under the provisions of Education Code section 5020 and related sections, once approved by a county committee on school district organization, the establishment of trustee areas and adoption of a by-trustee area boundary map must be put to a vote by the electors of the school district; and

WHEREAS, Education Code section 33050 et seq. allows the governing board of a school district to request the State Board of Education ("SBE") waive all or part of any section of the Education Code or any regulation adopted by the SBE that implements a provision of the Education Code, subject to certain exceptions; and

WHEREAS, to avoid the cost, expense, uncertainty, and potential liability inherent in conducting a districtwide vote on the issue, the District is seeking a waiver of the election process of Education Code sections 5019, 5020, 5021 and 5030 from the SBE; and

WHEREAS, Education Code section 5020 and related sections are not listed as exceptions in Education Code section 33050 et seq. and can thus be waived; and

WHEREAS, to obtain a waiver, the District must comply with Education Code and California Department of Education ("CDE") and SBE regulations; and

WHEREAS, the District distributed a notice specifically inviting public testimony regarding the waiver, and said notice was printed in a newspaper of general circulation and included the date, time, location and subject of the hearing; and

WHEREAS, on August 26, 2019, at this meeting and prior to consideration of this resolution, the District conducted a properly noticed public hearing at which time the public was able to testify on the waiver proposal.

NOW THEREFORE, the San Rafael City Schools Board of Education hereby resolves, determines, and finds the following:

    Section 1.   That the foregoing recitals are true.

    Section 2.   The Board hereby declares its intention to seek a waiver of Education Code section 5020, and portions of related sections, pertaining to the requirement that the establishment of trustee areas and adoption of a by-trustee area election process must be put to a vote by the electors of the District.

    Section 3.   The District's Superintendent and/or her designee, is authorized and directed to submit a General Waiver Request to the CDE, seeking a waiver of the requirement that the establishment of trustee areas and adoption of a by-trustee area election process must be put to a vote by the electors of the District under Education Code section 5020, and related sections, in order to insure the timely implementation of the District's trustee areas and the District's transition from its current at-large electoral process to a by-trustee area electoral process.

    Section 4.   The Superintendent and/or her designee are hereby directed to take any action and/or execute any documents which are necessary to carry out, give effect to, and comply with the terms and intent of this resolution.

PASSED AND ADOPTED by the San Rafael City Schools Board of Education, this 26th day of August, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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                                      President, Board of Education