Education Code Waivers in Response to the California Voting Rights Act

2015 California Voting Rights Act Forum
Cerritos Sheraton Hotel
March 2, 2015
Overview

• County committee approval of a proposal to establish a by-trustee-area method of election triggers a districtwide election. The district may request that the State Board of Education (SBE) waive this election.

• The request to waive the election is independent of establishing the by-trustee-area method of election.
Education Code (EC) Sections for Waiver

- All of EC Section 5020: Removes requirement to present proposal to electors.
- Portions of EC Section 5021: Preserves rights of incumbent board members to complete terms of office.
EC Sections for Waiver

• Portions of EC Section 5019: Removes potential for voter petition requiring an election on trustee area boundary adjustments.

• Portions of EC Section 5030: Allows amendment to the method of election without voter approval.
Waiver History under CVRA

- Hanford JUHSD and Madera USD were first school districts to request waivers.
- These districts also were defendants in two of the first three court cases brought under CVRA.
- Since then, 115 waivers heard by SBE.
Waiver History under CVRA

• First three court cases under CVRA in the Central Valley.

• Through 2012, over 82% of waivers were from Central Valley districts (only 8% from Southern CA).

• Since then, 43% from Southern CA; and 41% from Central Valley.
Process to Request Waiver

- General waiver request.
- Online submittal process at CDE: http://www.cde.ca.gov/re/lr/wr/
Submit a Waiver Request

Information and frequently asked questions (FAQs) about the includes FAQs, which data elements are required for submis

- **Frequently Asked Questions**
  Answers to the questions most commonly asked Education.

- **Gather Data Elements for Completing General, S**
  Data field definitions for general, specific, and fed

- **Required Attachments for Some Waivers**
  A list of required documents that must be included

- **Education Code Strike-Out Language Examples**
  Samples of Education Code strike-out language

- **Waiver Request System**
  Link to submit an online waiver.
Process to Request Waiver

- The state waiver process is independent of the local process for a by-trustee-area method of election.
- Public hearing specifically for waiver.
- Advisory Committees: Typically, site councils and DELAC review waiver.
- Governing board action should reflect approval of the waiver request.
Timing Issues

• A district needs to submit a waiver request 8-10 weeks before the SBE meeting at which it will be heard.

• A waiver is not permanent. It is valid for a maximum period of two years minus a day.
Recent Issues Related to CVRA

• AB 684: 2011 legislation allowing Community College Districts to adopt by-trustee-area method w/o election.

• AB 1440: 2014 legislation requiring multiple public hearings.

• AB 182: currently being considered.
Summary

Community representation in election matters will continue to be targeted.

Waivers can help districts address local issues that arise.

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