

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education March 2024 AgendaItem #W-03

## Subject

Request by **Needles Unified School District** to waive portions of California *Education Code* Sections 5019 and 5020, which require a districtwide election to reduce the number of governing board members from seven to five.

## Waiver Number

5-10-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

Pursuant to California *Education Code* (*EC*) sections 5019 and 5020, a school district may reduce the size of its governing board if the reduction is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election. The Needles Unified School District (USD) is requesting to waive California *Education Code (EC)* Sections 5019 and 5020, which require that an approved resolution by a County Committee to decrease the size of a school district governing board from seven to five members, be approved by voters at a districtwide election. The San Bernardino County County Committee has unanimously approved that resolution. To expedite this reduction, the district requests that the State Board of Education (SBE) waive the requirements in *EC* Section 5019 and 5020 that the reduction be approved at a districtwide election.

## Authority for Waiver

*EC* Section 33050

## Recommendation

* Approval: Yes
* Approval with conditions: No
* Denial: No

## Summary of Key Issues

Under the provisions of *EC* Section 33050, the district is requesting that specific portions of the *EC* relating to holding an election for a reduction in board size be waived. Approval of this waiver request would eliminate the election requirement for approval of the reduction in the number of members from seven to five on the Needles USD governing board. County Committee approval of this reduction constitutes an order of election,[[1]](#footnote-2) pursuant to *EC* Section 5020, unless this waiver is approved. Upon approval, the District will transition to a California Voting Rights Act-compliant (CVRA) 5-area by-trustee area election system. Waiving the required election will save the District time and money, while ensuring the District will be able to implement its new trustee area election system for its November 2024 elections, thereby reducing potential liability under the CVRA.

The Needles USD is a small school district (approximately 1,000 students) with a seven-member board. The district uses a trustee area election system rather than an at-large system, which complicates recruitment by requiring the district to identify at least one candidate within each trustee area. This has led to a persistent problem with recruiting candidates for all seven trustee areas. Currently, the board has two persistent vacancies that have gone beyond the 60-day appointment period: one has been vacant since 2018 in which the trustee area it represents has only 27 total residents, none of whom has expressed a willingness to serve; and the other seat became vacant in June of 2023. In November 2023, the district requested, and received, a waiver of the 60-day requirement in statute for filling a vacant trustee position in order to continue recruitment efforts for the June 2023 vacancy, while also considering whether a reduction in board size was in the best interest of the community.

While the district is geogrpahically large—about 6,000 square miles—the entire community has only 2,500 total residents and only 975 students. It is unusual for a district of this enrollment size to have a seven-member board and the district has rarely had a full 7 member board in recent years. Often, the board has not even been able to maintain 6 sitting members. The district believes that a reduction in size, as well as alternative trustee areas, will better meet its needs.

On January 17, 2024, the County Committee reviewed and unanimously approved this reduction, with no public objections. The County Committee’s resolution states, ““transition to a five (5) person Board shall be effective immediately upon the California State Board of Education granting of the election waiver.” As previously noted, this constitutes an order of election, unless that requirement is waived by the SBE. While the waiver of *EC* section 5020 does not affect the Board’s decision to reduce the size of the governing board, it will allow the district to implement the Board’s decision without the cost or delay that accompanies an election.

The California Department of Education (CDE) has reviewed the waiver request and has determined that there was no significant opposition to the waiver at the public hearing held by the governing board or the County Committee. The CDE also has determined that none of the findings specified in *EC* Section 33051, which authorize denial of a waiver, exist. Thus, the CDE recommends that the SBE approve the request by Needles USD, to waive *EC* Sections 5019 and 5020, which require a districtwide election to approve a reduction in the size of the governing board.

**Demographic Information:** The Needles USD has a student population of 981, and is located in a rural eastern area of San Bernardino County, along the Arizona and Nevada borders.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

## Summary of Previous State Board of Education Discussion and Action

The SBE has approved similar waiver requests in the past. The most recent approval was at the July 2023 SBE meeting for Fallbrook Union High School District (San Diego County). The SBE also approved a previous request (November 2023) by Needles USD to waive the 60-day requirement in statute for filling a vacant trustee position.

## Fiscal Analysis (as appropriate)

Approval of the waiver request will not have fiscal effects on any local or state agency. Disapproval of the request would result in additional costs for holding an election to approve the reduction in board size.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Needles Unified School District General Waiver Request 5-10-2023 (2 pages). (Original waiver request is signed and on-file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 5020

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted** | **Public Hearing and Board Date** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 5-10-2023 | Needles Unified School District | **Requested:** October 10, 2023, to April 10, 2025**Recommended:** October 10, 2023, to April 10, 2025 | California School Employees Association, NeedlesNancy Guffey, Local President10/05/2023**Support**Needles Teachers AssociationHeather Chavez, President10/5/2023**Support** | October 10, 2023 | District Advisory Committee10/5/2023**No objections** |

Created by California Department of Education
January 2024

# Attachment 2Needles Unified School DistrictGeneral Waiver Request 10-6-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667801

Waiver Number: 5-10-2023

Active Year: 2023

Date In: 10/26/2023 1:53:48 PM

Local Education Agency: Needles Unified

Address: 1900 Erin Dr.

Needles, CA 92363

Start: 10/10/2023

End: 4/10/2025

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: Please see Attachment A attached hereto and incorporated herein by reference.

Outcome Rationale: Needles Unified School District is a relatively small, rural district with fewer than 975 students enrolled. With our seven-member board, there is often one or more vacancies at a time, and we struggle to find qualified candidates. The District is petitioning our local County Committee on School District Organization to reduce Board membership from seven to five. Upon approval, the District will transition to a CVRA-compliant 5-area by-trustee area election system. Waiving the election required after County Committee approval per Educ. Code section 5020 will save the District time and money, ensuring the District will be able to implement its new "by-trustee area" election system for its November 2024 elections to reduce any potential liability under the CVRA.

Student Population: 960

City Type: Rural

Public Hearing Date: 10/10/2023

Public Hearing Advertised: Newspaper, Internet, and District Office

Local Board Approval Date: 10/10/2023

Community Council Reviewed By: District Advisory Committee

Community Council Reviewed Date: 10/5/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Garry Cameron

Position: Superintendent

E-mail: garry\_cameron@needlesusd.org

Telephone: 760-903-3947

Bargaining Unit Date: 10/05/2023

Name: Classified Schools Employee Association Needles Ch

Representative: Nancy Guffey

Title: Association President

Phone: 760-577-4210

Position: Support

Bargaining Unit Date: 10/05/2023

Name: Needles Teachers Association

Representative: Heather Chavez

Title: Association President

Phone: 951-545-0543

Position: Support

1. Pursuant to *EC* Section 5020, the proposal to reduce the size of the governing board must be presented to the district’s electorate no later than the “next succeeding election” for board members. [↑](#footnote-ref-2)