

**BOARD OF EDUCATION OF THE
WASHINGTON UNIFIED SCHOOL DISTRICT**

RESOLUTION NO. 1819-11

**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, the Washington Unified School District ("District") is governed by a five member Board of Education ("Board") which currently uses an at-large system of electing its Board members; and

WHEREAS, at-large electoral systems, such as the system currently established within the District, are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025-14032 of the California Elections Code ("CVRA"); and

WHEREAS, on March 5, 2018, the District received a letter from attorney Scott Rafferty alleging that the District's current at-large election system violates the CVRA as it "dilutes minority electoral influence in the election of board members to the [District]...;"

WHEREAS, by-trustee area electoral systems are not vulnerable to challenge under the CVRA; and

WHEREAS, in a by-trustee area system of election, candidates for the Board must reside within a specific geographic subarea of the District called a "trustee area" and candidates are elected only by the voters of that trustee area; and

WHEREAS, a school district may transition from an at-large electoral system to a by-trustee area electoral system if its governing board petitions the local county committee on school district organization by resolution to initiate the transition under California Education Code section 5019(c)(1); and

WHEREAS, the Board adopted Resolution No. 1718-22 at its meeting on April 12, 2018 proposing transiting from at-large to by-trustee area elections, and determining to engage the community and other stakeholders in a deliberate and thoughtful manner, including through a series of public hearings regarding trustee area boundary maps, such that approval of boundary maps would be completed before the end of 2018 allowing for implementation for the 2020 Board elections; and

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

WHEREAS, subsequent to six public hearings and four community forums, the Board adopted Resolution No. 1819-09 at its meeting on September 27, 2018, adopting a proposed trustee area boundary maps (known as the “Green” map), and directing that its proposal be submitted to the Yolo 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 election process must be put to a vote by the electors of the 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 local newspaper of general circulation and included the date, time, location and subject of the hearing; and

WHEREAS, the District’s Superintendent has consulted with the District’s PTO Presidents’ Council and Superintendent’s Student Advisory Council, both of which did not object to the submission of the waiver request;

WHEREAS, the District’s Superintendent has consulted with both of the District’s bargaining units, the West Sacramento Teachers’ Association and the California School Employees Association, both of which supported submission of the waiver request;

WHEREAS, on November 8, 2018, 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 Board of Education does hereby resolve as follows:

Section 1. The above recitals are true and correct, and the Board so finds and determines.


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.

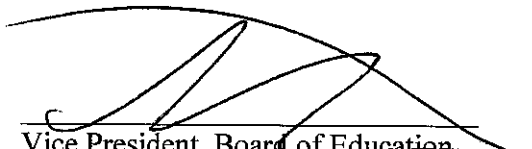
Section 4. The Superintendent and/or her designee are hereby directed to take any action and/or execute any documents which are necessary to carry out, give effect to, and comply with the terms and intent of this resolution.

PASSED AND ADOPTED by the Board of Education of the Washington Unified School District at a meeting held on November 8, 2018, by the following votes:


AYES: 3
NOES: 1 (Wong)
ABSENT: 0
ABSTAIN: 0




President, Board of Education



Vice President, Board of Education



Clerk, Board of Education



Trustee, Board of Education

VACANT

Trustee, Board of Education