



Union High School District

**BOARD OF TRUSTEES
SPECIAL MEETING**

Board of Trustees
Joyce Dalessandro
Beth Hergesheimer
Amy Herman
Maureen "Mo" Muir
John Salazar

Superintendent
Eric R. Dill

**WEDNESDAY, SEPTEMBER 27, 2017
5:00 PM**

**EARL WARREN MIDDLE SCHOOL, MULTI-PURPOSE ROOM
155 STEVENS AVENUE, SOLANA BEACH, CA 92075**

Welcome to the meeting of the San Dieguito Union High School District Board of Trustees.

PUBLIC COMMENTS

If you wish to speak regarding an item on the agenda, please complete a speaker slip located at the sign-in desk and present it to the Secretary to the Board prior to the start of the meeting. When the Board President invites you to the podium, please state your name before making your presentation.

In the interest of time and order, presentations from the public are limited to three (3) minutes per person, per topic. The total time for agenda items shall not exceed twenty (20) minutes. An individual speaker's allotted time may not be increased by a donation of time from others in attendance.

In accordance with the Brown Act, public comments are limited to item(s) on the published agenda. The Board may 1) acknowledge receipt of the information, 2) refer to staff for further study, or 3) refer the matter to the next agenda.

PUBLIC INSPECTION OF DOCUMENTS

In compliance with Government Code 54957.5, agenda-related documents that have been distributed to the Board less than 72 hours prior to the Board Meeting will be available for review on the district website, www.sduhsd.net and/or at the district office. Please contact the [Office of the Superintendent](#) for more information.

CLOSED SESSION

The Board will meet in Closed Session to consider qualified matters of litigation, employee negotiations, student discipline, employee grievances, personnel qualifications, or real estate negotiations which are timely.

CELL PHONES / ELECTRONIC DEVICES

As a courtesy to all meeting attendees, please set cell phones and electronic devices to silent mode and engage in conversations outside the meeting room.

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications, or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Governing Board, please contact the [Office of the Superintendent](#). Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with the meeting in appropriate alternative formats for persons with a disability.

**SAN DIEGUITO UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
SPECIAL MEETING
AGENDA**

**WEDNESDAY, SEPTEMBER 27, 2017
5:00 PM**

**EARL WARREN MIDDLE SCHOOL, MULTI-PURPOSE ROOM
155 STEVENS AVENUE, SOLANA BEACH, CA 92075**

The Governing Board of the San Dieguito Union High School District has scheduled a Special Meeting for Wednesday, September 27, 2017, at the above location.

1. CALL TO ORDER 5:00 PM
A. PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS (#2A)

2. **CLOSED SESSION (ADMIN CONFERENCE ROOM)..... 5:01 PM**
A. ANTICIPATED LITIGATION
To conference with legal counsel to discuss potential significant exposure to litigation, pursuant to Government Code section 54956.9: (one case)

3. PUBLIC COMMENTS
In accordance to the Brown Act, public comments are limited to item(s) on the published agenda. The Board may 1) acknowledge receipt of the information, 2) refer to staff for further study, or 3) refer the matter to the next agenda.

DISCUSSION / ACTION (ITEMS 4-5)

4. ADOPTION OF RESOLUTION / INITIATING TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM & SEEK WAIVER OF THE ELECTION REQUIREMENT FROM THE STATE BOARD OF EDUCATION
Motion by _____, second by _____, to adopt the resolution initiating transition to a “By-Trustee Area” election system commencing with the 2018 Governing Board Election and stating its intent to seek a waiver of the election requirement from the State Board of Education, as shown in the attached supplement.
• Roll Call

5. ADJOURNMENT

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: September 19, 2017

BOARD MEETING DATE: September 27, 2017

**PREPARED &
SUBMITTED BY:** Eric R. Dill, Superintendent

SUBJECT: RESOLUTION TO INITIATE A TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM COMMENCING WITH THE 2018 GOVERNING BOARD ELECTION AND STATEMENT OF INTENT TO SEEK A WAIVER OF THE ELECTION REQUIREMENT FROM THE STATE BOARD OF EDUCATION

EXECUTIVE SUMMARY

In 2002, the California legislature enacted the California Voting Rights Act ("CVRA"), which prohibits the use of at-large elections of governing board members for a school district if it "*impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election....*" (Elections Code § 14027, emphasis added.) Under the CVRA, the only election system that provides an accepted "safe harbor" from a potential CVRA claim is a "by-trustee area" election system. Under a "by-trustee area" election system, a school district is divided into separate trustee areas and one governing board member is elected by the registered voters in that particular trustee area, rather than the community at-large. The San Dieguito Union High School District ("District") currently employs an "at-large" election system for the purposes of electing Governing Board members.

Numerous school districts and other public agencies throughout the state have been targeted by private law firms for alleged violations of the CVRA and it is believed that the best course of action for the District is to initiate its transition to "by-trustee" area elections for future Governing Board elections. In addition to initiating this transition, Education Code sections 33050-33053 authorizes the State Board of Education to waive the voter approval requirement to transition, which could reduce the costs and risks associated with the District's transition to a "by-trustee area" election system.

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RECOMMENDATION:

It is recommended that the Governing Board adopt the resolution initiating transition to a "By-Trustee Area" election system commencing with the 2018 Governing Board Election and stating its intent to seek a waiver of the election requirement from the State Board of Education.

FUNDING SOURCE:

General Fund/Unrestricted 01-00

**RESOLUTION OF THE GOVERNING BOARD
OF THE SAN DIEGUITO UNION HIGH SCHOOL DISTRICT**

**Resolution to Initiate a Transition to a By-Trustee Area Election System
Commencing with the 2018 Governing Board Election and Statement of Intent to
Seek a Waiver of the Election Requirement from the State Board of Education**

WHEREAS, California Education Code sections 5019(a) & (c)(I) and 5030 authorizes the San Diego County Committee on School District Organization (“County Committee”), upon application of a school district's governing board, to change the method of election of governing board members in a school district under its jurisdiction;

WHEREAS, the California Voting Rights Act (Elections Code §§ 14025 *et seq.*)(“CVRA”) prohibits the use of an "at-large" election system for governing board members of a school district if the “at-large” elections impair the ability of a protected class to elect candidates of its choice, or its ability to influence the outcome of an election;

WHEREAS, Governing Board (“Board”) Members of the San Dieguito Union High School District (“District”) are currently elected using an “at-large” election system (i.e., election system in which registered voters of the entire jurisdiction elect candidates to the governing board);

WHEREAS, it is considered the view of the Board that starting with the 2018 Board elections, and with the benefit of federal Census data, the public interest will be better served by election of its Board members using a “by-trustee area” election system (i.e., elections in which one candidate residing in each trustee area is elected by only the registered voters in that particular trustee area);

WHEREAS, the data from the federal Census and additional permissible sources will permit trustee areas to be drawn and implemented in the District using the most up-to-date demographic data available;

WHEREAS, although Education Code section 5020 requires that a County Committee resolution approving a change in the method of electing governing board members be submitted to the electorate for its approval at the school district's next regular election, the Board intends to seek a waiver of the voter approval requirement as permitted by law. Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement, which could reduce the costs and risks associated with a school district’s transition to a “by-trustee area” election system;

WHEREAS, the Board finds it is appropriate to seek a waiver of the election requirement in Education Code section 5020, and portions of sections 5019, 5021, and 5030, to ensure the timely implementation of the “by-trustee area” election system commencing with the 2018 Governing Board election, to reduce costs for the District associated with placing an item on the ballot and to reduce any potential legal liability or financial risk to the District under the CVRA;

WHEREAS, the adoption of “by-trustee area” elections will not affect the terms of any sitting Board members, each of whom will serve out his or her current term; and

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WHEREAS, the Board, cognizant of its reduced operating revenues and need for fiscal responsibility, desires to implement this change in the manner of electing Board members in the most cost effective and efficient manner.

NOW, THEREFORE, the Governing Board of the San Dieguito Union High School District does hereby resolve, order and determine as follows:

1. The above recitals are true and correct.
2. The Board hereby determines that the trustee area boundary lines shall be developed based on federal Census data to provide for “by-trustee areas” elections commencing in 2018.
3. By this resolution, and pursuant to Education Code sections 5019(a) and 5030, the Board directs District staff to transmit this resolution to the San Diego County Committee on School District Organization to apply to have the County Committee adopt a change in the method of electing members of the board from “at-large” elections [Education Code section 5030(a)] to “by-trustee area” elections [Education Code section 5030(b)] commencing with the 2018 Board elections.
4. Before submitting a final proposal to the County Committee for a trustee area plan using the federal Census data, multiple public hearings shall be scheduled to obtain public input on the draft proposals prepared.
5. The Board shall apply to the County Committee for establishment of trustee areas pursuant to Education Code section 5019(a) in a timely manner to have the 2018 elections for the Board conducted within the new trustee areas.
6. The Superintendent, or his designee, shall send a copy of this resolution to the County Committee for action in accordance with law.
7. The Superintendent, or his designee, is hereby directed to prepare an additional Board resolution, and implement the applicable legal requirements in a timely manner, to seek a waiver from the State Board of Education of the election requirement imposed by Education Code section 5020.
8. The Superintendent, or his designee, shall consult with legal counsel to resolve all legal issues necessary to give effect to this resolution.
9. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board on September 27, 2017, at a duly noticed meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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I, Beth Hergesheimer, Clerk of the Governing Board of the San Dieguito Union High School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on September 27, 2017, by a vote of _____ to _____.

IN WITNESS THEREOF, I have hereto set my hand this ____ day of _____, 2017.

Clerk of the Governing Board