

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
February 2003 AGENDA
Item No. W-12

<p>TITLE: Request by Compton Unified School District to waive <i>Education Code</i> Section 5091(a), the provisional appointment or special election requirement within 60 days of a school board vacancy, in order to postpone the election to fill a vacant school board position until November of 2003.</p> <p>CDSIS: 14-1-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has approved similar waivers of this type in the past.

Summary of Key Issue(s):

Compton Unified School District has been under the control of a state administrator for seven years. Beginning in 2001-2002, the district was returned to local control, the first year in seven years. On December 20, 2002, at the beginning of this critical juncture, one of the Compton school board members resigned, creating a vacancy on the board. Under *Education Code* Section 5091(a), when such a situation occurs, the district must either call a special election to elect a new board member or appoint a new board member within 60 days of the vacancy.

The choices under the law for the district are neither financially sound nor conducive towards continuing the good relationship between the local community and the school district. First, the district has estimated that a special election would cost over \$150,000, creating a hardship in a district that is still under fiscal constraints and given that resources are going to be further reduced by the state's budget crisis. And second, the district is trying hard to gain the support and trust of the local community and especially wants the local community within the district to be involved in the choice of any new board members rather than fill the position by a "provisional appointment." Neither alternative would not help the district to maintain their fiscal status during this critical time nor help garner the support with the community that is critical to rebuilding the district.

Therefore, the department recommends approval of the waiver for Compton Unified School District so that the district may wait until the regular November of 2003 election to fill the board member position with the full involvement of the local community and

without creating an unnecessary fiscal burden.

Bargaining unit(s) consulted on: January 9, 10, 13 and 14, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Tom Hollister, Compton Education Assoc.
Ardie Braxton, American Federation of

Teachers, Local 6119

Loretta Sloan, Brian Todd – Calif. School

Employees Assoc.

Mark Shiva, Police Officers Assoc.

Ray McCray, Service Employees Internat'l

Union. Local 347

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) Places within the district as well as City Hall, the main library, and the Martin Luther King Transit Center

Public hearing held on: 01/14/03

Local board approval date: 01/14/03

Advisory committee(s) consulted: N/A to board elections

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: _____

Effective dates of request: 12/20/02 to 12/09/03

Fiscal Analysis (as appropriate): No fiscal impact to the state but the district could avoid the cost of a special election.

Background Information:

Documentation is attached to this summary.