To: Board of Education

From: Jim Elsasser, Ed.D.
Superintendent

Subject: Adoption of Resolution #08-2019, Resolution to Initiate the Process of Establishing Trustee Areas and Elections By-Trustee Areas

District Goal(s): All goals are applicable.

Background:
The Claremont Unified School District currently utilizes an at-large method of election to select members of the Board of Education, and the District does not have trustee areas for the members of its Board of Education.

Under state law an at-large method of election may be subject to challenge under the California Voting Rights Act of 2001 (“CVRA”), California Elections Code §§ 14025, et seq. Defending against such challenges is costly.

The only election method that is immune from liability under the CVRA is a by-trustee area election method, in which candidates for the Board must reside within a trustee area and candidates are elected only by the voters of that trustee area.

Transitioning to use of trustee areas and changing the election method is a time-consuming process, which provides for public input and the involvement of the County Committee on School District Organization and the State Board of Education.

Several neighboring school districts and other public agencies have already transitioned to a by trustee area system of election. The City of Claremont recently announced it will begin the process of transitioning.

Discussion:
The Superintendent recommends the adoption of Resolution # 08-2019, Resolution to Initiate the Process of Establishing Trustee Areas and Elections By-Trustee Areas, which authorizes the Superintendent, or his designee, to immediately initiate the legal and regulatory process of changing the method of electing members of the Board, from the current at-large system, whereby each member of the Board is elected by the registered voters of the entire District (Education Code section 5030(a)), to a method which provides that Board members residing in each trustee area will be elected by the registered voters of that particular trustee area (Education Code 5030(b)), in sufficient time for the new method of electing members of the Board to be in place for the November 2022 election.

Adoption of the resolution allows the Board and District staff to conduct a series of public hearings and information nights regarding the potential change of the method of election for members of the Board. Community members would be invited to provide feedback on the method of election and criteria for establishing trustee areas.
Claremont Youth and Family Master Plan Goal(s):
N/A

Fiscal Implications:
N/A

Recommended Action: Adoption of Resolution #08-2019, Resolution to Initiate the Process of Establishing Trustee Areas and Elections By-Trustee Areas.
BEFORE THE BOARD OF EDUCATION OF THE
CLAREMONT UNIFIED SCHOOL DISTRICT
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION NO. 08-2019

RESOLUTION TO INITIATE THE PROCESS OF ESTABLISHING
TRUSTEE AREAS AND ELECTIONS BY-TRUSTEE AREAS

WHEREAS, the Claremont Unified School District (“District”) currently uses an at-large system of electing the members of its Board of Education; and

WHEREAS, the Board is aware that under state law an at-large method of election may be deemed to impair the ability of some voters to elect candidates of their choice or to influence the outcome of elections and, therefore, may be subject to challenge under the California Voting Rights Act of 2001, California Elections Code §§ 14025, et seq. (“CVRA”); and

WHEREAS, the Board, based on this awareness, has had an ongoing interest in the issue, and has decided to initiate the process of establishing trustee areas and changing the method of electing members of the Board, in order to ensure compliance with the CVRA or, at minimum, avoid the potential for costly litigation under the CVRA; and

WHEREAS, the Board is aware data from the United States 2020 Census will become available in 2021; and

WHEREAS, transitioning to a by-trustee area election method is a time-consuming process, which requires public input and the involvement of the Los Angeles County Committee on School District Organization and the State Board of Education; and

WHEREAS, the Board intends to initiate a deliberate, thoughtful, and public process for changing the method of electing members of the Board, and for establishing trustee areas; and

WHEREAS, the Board intends to complete the process of changing to the by-trustee area election methodology, and hold its initial by-trustee area election of Board members, with the November 2022 election.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Claremont Unified School District hereby finds the foregoing recitals to be true and correct; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or his designee to immediately initiate the legal and regulatory process, including the retention of counsel and demographic experts, to establish trustee areas within the District, as provided in Education Code section 5019, in sufficient time for trustee areas to be established for the November 2022 election of members of the Board; and
BE IT FURTHER RESOLVED that the Board directs the Superintendent or his designee to collaborate with a demographer to prepare draft by-trustee area map scenarios for review and input by the Board and members of the public at upcoming meetings; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or his designee to initiate the legal and regulatory process of changing the method of electing members of the Board, from the current at-large system whereby each member of the Board is elected by the registered voters of the entire District (Education Code section 5030(a)), to a method which provides that Board members residing in each trustee area will be elected by the registered voters of that particular trustee area (Education Code 5030(b)), in sufficient time for the new method of electing members of the Board to be in place for the November 2022 election; and

BE IT FURTHER AND FINALLY RESOLVED that the Superintendent or his designee is authorized to initiate the legal and regulatory process to seek a waiver from the State Board of Education, of the requirements of Education Code section 5020 and related statutes, so that action of the Los Angeles County Committee on School District Organization establishing trustee election areas and adopting one of the alternative methods of electing Board members specified in Education Code section 5030 does not constitute an order of election, so that trustee area elections can commence effective with the November 2022 election; and

BE IT FURTHER AND FINALLY RESOLVED that the Superintendent or his designee is authorized to do all things necessary and proper to accomplish the purposes of this Resolution.

ADOPTED, SIGNED, AND APPROVED this 20th day of December, 2018, by the following vote:

AYES: ______________, ______________, ______________

______________, ______________

NOES: ______________, ______________

ABSTAIN: ______________

ABSENT: ______________

________________________________________
President, Board Education of the
Claremont Unified School District

I, ______________, Clerk of the Board Education of the Claremont Unified School District, do certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Education at its regular meeting held on December 20, 2018.

________________________________________
Date: Clerk of the Governing Board of the
Claremont Unified School District
CLAREMONT UNIFIED SCHOOL DISTRICT
MINUTES
OF THE REGULAR MEETING OF THE BOARD OF EDUCATION
Thursday, December 20, 2018
Richard S. Kirkendall Education Center | 170 W. San Jose Avenue, Claremont, California

Board of Education
Hilary LaConte, President
Beth Bingham, D. Min., Vice President
Nancy Treser Osgood, Clerk
Steven Llanusa, Member
Dave Nemer, Member

Present:
Board Members
Hilary LaConte
Dr. Beth Bingham
Nancy Treser Osgood
Steven Llanusa
Dave Nemer

Student Board Members
Trinity Perez and Maddy Chapman

Staff
James Elsasser, Ed.D; Brad Cuff; Julie Olesniewicz, Ed.D.; Lisa Shoemaker; Kevin Ward; Damon Rapp; and Eva Barriga

1. Ms. LaConte, President of the Board of Education, called the Regular Meeting of the Board of Education to order at 6:30 p.m., with five board members present.

2. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS
A community member shared his thoughts related to existing litigation item - Riley’s American Heritage Farms.

3. The Board adjourned to Closed Session at 6:35 p.m.

4. The Board recessed from Closed Session at 7:00 p.m., and reconvened into Open Session at 7:05 p.m.

5. Missy Wonacott led the Pledge of Allegiance.

6. REPORT ON CLOSED SESSION ACTIONS
The President called for consideration of Agenda Item V., Report of Any Closed Session Actions, and reported the following:

A. Public Employee Discipline/Dismissal/Release:
   ➢ No discussion was held.

B. Conference with Legal Counsel – Existing Litigation –
   Case No.: 5:18-cv-02185-JGB-SHK
   ➢ Discussion was held, no action was taken
8. APPROVAL OF AGENDA
   ➢ On a motion by Dr. Bingham, seconded by Ms. Treser Osgood, the agenda was approved as presented. The student advisory vote was in favor, and the Board vote was 5-0.

9. APPROVAL OF MINUTES
   December 6, 2018 – Organizational and Regular Meeting of the Board of Education
   ➢ On a motion by Mr. Nemer, seconded by Mr. Llanusa, the minutes were approved as presented. The student advisory vote was in favor, and the Board vote was 5-0.

10. SPECIAL ORDER OF BUSINESS/RECOGNITIONS
    Members of the Claremont Faculty Association’s Human Rights Committee attended the board meeting to recognize several CUSD students for their participation in the local essay and art contest that honors the memory of Cesar Chavez. The winning entries will be entered in the state-level competition.

    Mr. Kevin Ward, Assistant Superintendent, Human Resources, announced that Ms. Jessica Ly, San Antonio High School (SAHS) Teacher, was this year’s recipient of the Certificated Spotlight on Excellence Award. Mr. Ward indicated that Ms. Ly has been a teacher at SAHS since 2015, and that colleagues had described her as “simply the one who does it all.” He said that in addition to being an exceptional teacher, she has the ability to connect with students to ensure they meet their goals; and contributes to almost every event, need, and effort at her school site.

BOARD MEMBER REPORTS
11. Maddy Chapman reported on activities at Oakmont Outdoor School, Sycamore, Mountain View, and Chaparral Elementary Schools, and Claremont High School.

    Trinity Perez reported on activities at Condit and Vista del Valle Elementary Schools, and San Antonio High School.

12. Mr. Llanusa shared that he had attended the Winter Jazz Concert at Claremont High School, and also a Holiday Party and book donation event organized by Senator Portantino. He also indicated that on December 11, he and fellow board members had attended the farewell reception for outgoing City Council Members.

13. On behalf of Baldy View ROP (BVROP), Ms. Treser Osgood shared that San Bernardino County had named BVROP as a model educational institution, an honor that grants BVROP the opportunity to post their video on the County’s website. She also shared that people posing as BVROP students are going door-to-door asking for donations. She added that a report was filed with the Upland Police Department, and that this matter was under investigation. She said that BVROP would never ask students to solicit funds for the program.

14. PUBLIC COMMENT (items not on the agenda)
    A community member appreciated the District’s support of Project Woolsey and student donations for victims of the recent wildfires.

PRESENTATIONS AND RECOMMENDATIONS
15. XI.B.1 First Interim Report – Certification of Financial Solvency as of October 31, 2018
    Ms. Lisa Shoemaker, Assistant Superintendent, Student Services, reported that the 2017-2018 fiscal year concluded with a small decrease to the general fund of less than .5%. She stated that deficit spending was expected in the next three years based upon current revenue estimates for 2018-2019 and the subsequent two years. She also shared that the Local Control Funding Formula (LCFF) had reached full implementation in 2018-2019, two years ahead of its originally expected
full funding date, meaning that the 2018-2019 is the final year of GAP funding which provided revenue over and above the COLA. Ms. Shoemaker noted mandated increases in employer contributions to the California State Teachers' Retirement System (STRS) and the California Public Employees' Retirement System (PERS) as the largest items impacting the budget.

- On a motion by Ms. Treser Osgood, seconded by Dr. Bingham, the Board approved the Positive Certification of District Solvency on the First Interim Report for fiscal year 2018-2019 and the subsequent two fiscal years – 2019-2020 and 2020-2021. The student advisory vote was in favor, and the Board vote was 5-0.

16. XI.D.1 CUSD Negotiating Teams for the 2018-2019 School Year

Mr. Kevin Ward, Assistant Superintendent, Human Resources, presented for approval the teams that will represent the District during negotiations meetings with the Classified School Employees Association and the Claremont Faculty Association.

- On a motion by Mr. Nemer, seconded by Dr. Bingham, the Board approved the District Negotiating Teams for the 2018-2019 School Year. The student advisory vote was in favor, and the Board vote was 5-0.

17. Mr. Ward introduced items D.2-D.5 simultaneously, but action by the Board was taken by separate motion. Mr. Ward indicated that the process for negotiations begins with both associations and the District identifying those articles to be addressed during this period.

XI.D.2 Claremont Faculty Association (CFA) Sunshining Proposal for 2018-2019 Negotiations

- On a motion by Mr. Llanusa, seconded by Ms. Treser Osgood, the Board accepted the proposed articles presented by the Claremont Faculty Association (sunshining); and called for a public hearing of the proposed articles for negotiation at the January 17, 2019 board meeting. The student advisory vote was in favor, and the Board vote was 5-0.


- On a motion by Mr. Nemer, seconded by Ms. Treser Osgood, the Board accepted the proposed articles presented by CUSD (sunshining); and called for a public hearing of the proposed articles for negotiation at the January 17, 2019 board meeting. The student advisory vote was in favor, and the Board vote was 5-0.

19. XI.D.4 California School Employees Association (CSEA), Chapter #200, Sunshining Proposal for 2018-2019 Negotiations

- On a motion by Dr. Bingham, seconded by Ms. Treser Osgood, the Board accepted the proposed articles presented by the California School Employees Association, Chapter #200, (sunshining); and called for a public hearing of the proposed articles for negotiation at the January 17, 2019 board meeting. The student advisory vote was in favor, and the Board vote was 5-0.

20. XI.D.5 CUSD Sunshining Proposal for 2018-2019 Negotiations with CSEA, Chapter #200

- On a motion by Ms. Treser Osgood, seconded by Mr. Nemer, the Board accepted the 2018-2019 proposed articles presented by CUSD (sunshining), and called for a public hearing of the proposed articles for negotiation at the January 17, 2019 board meeting. The student advisory vote was in favor, and the Board vote was 5-0.

21. XI.D.6 Revised Unrepresented Classified Employees Salary Schedule

Mr. Ward indicated that the minimum wage in California would be increasing to $12.00 on January 1, 2019, and recommended approval of the revised Unrepresented Classified Employees Salary Schedule to comply with the new minimum wage legislation.
On a motion by Mr. Nemer, seconded by Mr. Llanusa, the Board approved the revised Unrepresented Classified Employees Salary Schedule, effective January 1, 2019. The student advisory vote was in favor, and the Board vote was 5-0.

22. XI.E.1 Adoption of Resolution #08-2019, Resolution to Initiate the Process of Establishing Trustee Areas and Elections By-Trustee Areas

Dr. Elsasser shared that the District currently utilizes an at-large method of election to select members of the Board of Education, and that the District does not have trustee areas for the members of its Board of Education. He stated that under state law, an at-large method of election may be subject to challenge under the California Voting Rights Act of 2001 (“CVRA”), and added that defending against such challenges was costly. He indicated that the only election method that is immune from liability under the CVRA is a by-trustee area election method, which provides that the registered voters of a trustee area elect Board members residing in that particular area. He recommended adoption of the proposed resolution which would authorize the Superintendent, or his designee, to immediately initiate the legal and regulatory process of changing the method of electing members of the Board from the current at-large system to a by-trustee-area election system, in sufficient time for the new method to be in place for the November 2022 election.

On a motion by Mr. Llanusa, seconded by Mr. Nemer, the Board adopted Resolution #08-2019, Resolution to Initiate the Process of Establishing Trustee Areas and Elections By-Trustee Areas. The student advisory vote was in favor, and the Board vote was 5-0.

23. XI.E.2 First Reading of New/Revised Board Policies

Dr. Elsasser indicated that CSBA was recommending adoption/revision of Board Policies (BP’s) 5144.1, 5148.3, 9110, 9230, 9310, and 9400. The Board requested a change in language on board policy 5144.1 prior to submission for approval.

These board policies were presented for information only, and no action was necessary. Action on these board policies will be taken at the meeting of the Board of Education on January 17, 2019.

24. Ms. LaConte excused student board members Trinity Perez and Maddy Chapman.

25. XII.A-E – Consent Agenda

On a motion by Mr. Nemer, seconded by Ms. Treser Osgood, the Consent Agenda was approved as presented. The vote was 5-0.

COMMENTS/REPORTS

26. The President of the Board called for consideration of Agenda Item XIII. Association Comments

No comments were made.

27. The President of the Board called for consideration of Agenda Item XIV. Superintendent’s Report

Dr. Elsasser indicated that San Antonio High School had hosted a technology visit, and shared that three districts were looking at the District’s innovative practices supported by technology. He added that after visiting SAHS, these Districts had gone to Claremont High School. He also shared that on December 20, 2018, iTunes store had officially published SAHS’s Apple Distinguished School book, and took the opportunity to congratulate all involved.

Dr. Elsasser shared that a toy drive hosted by Keeping the GOOD in OUR NeighborHood in partnership with Granite Creek Church had been held on December 20, 2018, and that most of the students present that day attend a school in the District.

He extended his appreciation to Mr. Llanusa for opening his home to CUSD staff, and for hosting with the rest of the Board a wonderful party.
28. **CALENDAR OF EVENTS** – No changes were indicated.

29. **ADJOURNMENT**

   The Regular Meeting of the Board of Education was adjourned at 8:02 p.m. The next Regular Meeting of the Board of Education will be held on Thursday, January 17, 2019 at 6:30 p.m. in the Third Floor Board Room of the Richard S. Kirkendall Education Center, 170 W. San Jose Avenue, Claremont, California.

   Respectfully Submitted,

   [Signature]

   James Elsasser, Ed. D., Superintendent
   Secretary to the Board of Education

   Attested and Approved:

   [Signature]

   Nancy Freser Osgood, Board Clerk