

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>First Time Waiver: **X**Renewal Waiver: **___**

Send Original plus one copy to:
 Waiver Office, California Department of Education
 1430 N Street, Suite 5602
 Sacramento, CA 95814

Send Electronic copy in **Word** and
 back-up material to: waiver@cde.ca.gov

CD CODE

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Local educational agency: Riverside Unified School District		Michael H. Fine Deputy Superintendent		Contact person's e-mail address: mfine@rusd.k12.ca.us
Address: 3380 14 th Street	(City) Riverside	(State) CA	(ZIP) 92501	Phone (and extension, if necessary): 951.788.7135 x80423 Fax Number: 951.778-5668
Period of request: (month/day/year) From: 07/01/12 To: 06/30/13		Local board approval date: (Required) July 16, 2012		Date of public hearing: (Required) July 16, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Portions of 5019, 5021, 5030 and all of 5020
 Circle One: EC or CCR
 Topic of the waiver: Requirement that establishment of trustee areas/adoption of by-trustee election process be put to a vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____
 Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): July 5, 2012

Name of bargaining unit and representative(s) consulted: CSEA: Richard Carpenter; RCTA: Tim Martin

The position(s) of the bargaining unit(s):

CSEA: ___ Neutral X Support ___ Oppose (*Please specify why*) ; RCTA: ___ Neutral X Support ___ Oppose

Comments (if appropriate): None

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper ___ Notice posted at each school X Other: (*Please specify*) Notice posed at multiple offices and District web page

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
 All school site councils and DELAC

Date the committee/council reviewed the waiver request: None

Were there any objection(s)? No ___ Yes ___ (*If there were objections please specify*)

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See Attachment B

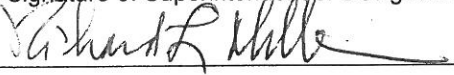
8. Demographic Information:
(*District/school/program*) District has a student population of 42,335 and is located in an urban setting (*urban, rural, or small city etc.*) in Riverside County.

Is this waiver associated with an apportionment related audit penalty? (per *EC 41344*) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:



Title:

Rick Miller, Ph.D.
Superintendent of Schools

Date:

7-16-12

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):

Staff Signature:

Date:

Unit Manager (*type or print*):

Unit Manager Signature:

Date:

Division Director (*type or print*):

Division Director Signature:

Date:

Deputy (*type or print*):

Deputy Signature:

Date:

Attachment A

6. Education Code or California Code of Regulations section to be waived

The Riverside Unified School District desires to waive the following sections and portions of sections of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the

matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.~~

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the~~

~~boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in _____ (insert name) School District—Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in _____ (insert name) School District—No."~~

~~"For increasing the number of members of the governing board of _____ (insert name) School District from five to seven—Yes" and "For increasing the number of members of the governing board of _____ (insert name) School District from five to seven—No."~~

~~"For decreasing the number of members of the governing board of _____ (insert name) School District from seven to five—Yes" and "For decreasing the number of members of the governing board of _____ (insert name) School District from seven to five—No."~~

~~"For the election of each member of the governing board of the _____ (insert name) School District by the registered voters of the entire _____ (insert name) School District—Yes" and "For the election of each member of the governing board of the _____ (insert name) School District by the registered voters of the entire _____ (insert name) School District—No."~~

~~"For the election of one member of the governing board of the _____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—Yes" and "For the election of one member of the governing board of the _____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the _____ (insert name) School District residing in each trustee area elected by the registered voters of the entire _____ (insert name) School District—Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the _____ (insert name) School District residing in each trustee area elected by the registered voters of the entire _____ (insert name) School District—No."~~

~~"For the establishment (or abolition) of a common governing board in the _____ (insert name) School District and the _____ (insert name) School District—Yes" and "For the establishment (or abolition) of a common governing board in the _____ (insert name) School District and the _____ (insert name) School District—No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

~~In counties with a population of less than 25,000,~~ the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

Attachment B

6. Desired Outcome/ Rationale

The Riverside Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting from its current at-large election process for electing its governing board members.

It is imperative that the District adopt trustee areas and complete the implementation process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 (“CVRA”), the District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001 (*see* California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (*Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs \$3 million dollars in attorneys’ fees to plaintiffs’ attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys’ fees and costs under the CVRA) and another \$1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of \$110,000 pursuant to a settlement agreement. Most recently, the Madera

Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded \$1.8 million in attorneys' fees from that District.

Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District's electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November of 2013 which will reduce the District's liability under the CVRA going forward.

**Board Meeting Agenda
July 16, 2012**

Topic: Public Hearing – General Waiver Request – Consider Seeking a Waiver From the State Board of Education 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 and 5020

Presented by: Michael Fine, Deputy Superintendent, Business Services and Governmental Relations

**Responsible
Cabinet Member:** Michael Fine, Deputy Superintendent, Business Services and Governmental Relations

Type of Item: Public Hearing

Short Description: The Board of Education will hold a public hearing on the proposed General Waiver Request seeking a waiver from the State Board of Education 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 portions of Education Code Sections 5019, 5021, 5030 and all of Education Code Section 5020.

DESCRIPTION OF AGENDA ITEM:

On June 18, 2012, the Board of Education adopted Resolution 2011/12-86 – Resolution of the Board of Education of the Riverside Unified School District Recommending that the Riverside County Committee on School District Organization Approve a By-Trustee Area Election Process – formally requesting that the District’s election system change from the current at-large system to a system based on trustee-areas.

California Education Code Sections 5019, 5020, 5021, and 5030 provide for the powers and process of the County Committee on School District Organization to consider a proposal to establish or change trustee areas within a school district. As part of the process, the County Committee on School District Organization’s resolution shall constitute an order of election wherein the proposal shall be presented to the electors of the school district not later than the next succeeding election for members of the district’s governing board. The District desires to have the requested Education Code sections waived by the State Board of Education so that the District’s proposal to the County Committee on School District Organization, if approved, may be implemented without such election.

California Education Code Sections 33050-33053 provide general waiver authority to the State Board of Education. The General Waiver Request process for the State Board of Education

requires that the District submitting the waiver request first hold public hearing so that the public may testify on the waiver proposal.

On June 18, 2012, the Board of Education set a Public Hearing for July 16, 2012, seeking input on a waiver request to the State Board of Education regarding Education Code Sections 5019 and 5020. A notice of the Public Hearing was advertised in the Press Enterprise.

FISCAL IMPACT: None

RECOMMENDATION: It is recommended that the Board of Education hold a public hearing on a General Waiver Request to consider seeking a waiver from the State Board of Education 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 and 5020.

ADDITIONAL MATERIAL: Notice of Public Hearing

Attached: Yes

**Riverside Unified School District
Board Meeting Agenda
July 16, 2012**

Posted: July 12, 2012

NOTICE

PUBLIC HEARING

A Public Hearing will be held on Monday, July 16, 2012 at 5:30 p.m. in the Board Room located at the Riverside Adult School – 6735 Magnolia Avenue, Riverside, CA, on the proposed General Waiver Request seeking a waiver from the State Board of Education 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 portions of Education Code Sections 5019, 5021, 5030 and all of Education Code Section 5020.

Printed at: 10:36 am
on: Monday, Jul 9, 2012
Ad #: 0000842106
Order Taker: Maria Tinajero

enterprise media
Classified Advertising
Proof

3450 Fourteenth St.
Riverside, CA 92501-3878
(800) 514-7253
(951) 684-1200
(951) 368-9006 Fax

Account Information

Phone #: (951) 788-7135
Name: RIVERSIDE UNIFIED SCHOOL
Address: 3380 14TH ST, ATTN ACCOUNTS
PAYABLE
RIVERSIDE, CA 92501
USA

Account #: 100141413
Client:
Placed By: Michael Fine
Fax #:

Ad Copy:

Riverside Unified
School District

Public Notice

A Public Hearing will be held on Monday, July 16, 2012 at 5:30 p.m. in the Board Room located at the Riverside Adult School - 6735 Magnolia Avenue, Riverside, CA, on the proposed General Waiver Request seeking a waiver from the State Board of Education 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 portions of Education Code Sections 5019, 5021, 5030 and all of Education Code Section 5020. 7/11

Ad Information

Classification: EN CLS Legals
Publication: PE.com, Press Enterprise

Start Date: 07/11/2012
Stop Date: 07/11/2012
Insertions: 1 print / 1 online

Rate code: LGL PE Any
Ad type: CLS 10 Liner

Size: 1.0 X 31 Li
Bill Size:

Amount Due: **\$55.80**

**Board Meeting Agenda
July 16, 2012**

Topic: General Waiver Request From the State Board of Education 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 portions of Education Code Sections 5019, 5021 and 5030, and All of Education Code Section 5020

Presented by: Michael Fine, Deputy Superintendent, Business Services and Governmental Relations

Responsible

Cabinet Member: Michael Fine, Deputy Superintendent, Business Services and Governmental Relations

Type of Item: Action

Short Description: The Board of Education will consider approving a General Waiver Request seeking a waiver from the State Board of Education 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 portions of Education Code Sections 5019, 5021, 5030 and all of Education Code Section 5020.

DESCRIPTION OF AGENDA ITEM:

On June 18, 2012, the Board of Education adopted Resolution 2011/12-86 – Resolution of the Board of Education of the Riverside Unified School District Recommending that the Riverside County Committee on School District Organization Approve a By-Trustee Area Election Process – formally requesting that the District’s election system change from the current at-large system to a system based on trustee-areas.

California Education Code Sections 5019, 5020, 5021, and 5030 provide for the powers and process of the County Committee on School District Organization to consider a proposal to establish or change trustee areas within a school district. As part of the process, the County Committee on School District Organization’s resolution shall constitute an order of election wherein the proposal shall be presented to the electors of the school district not later than the next succeeding election for members of the district’s governing board. The District desires to have the requested Education Code sections waived by the State Board of Education so that the District’s proposal to the County Committee on School District Organization, if approved, may be implemented without such election.

California Education Code Sections 33050-33053 provide general waiver authority to the State Board of Education. The General Waiver Request process for the State Board of Education

requires that the District submitting the waiver request first hold public hearing so that the public may testify on the waiver proposal. Such public hearing was noticed and scheduled to be held concurrently on this agenda.

As set forth in the waiver request, the District desires to have the requested Education Code Sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

FISCAL IMPACT: None; however, if the waiver is not granted, the District may have significant exposure to litigation costs and/or the costs of a special election.

RECOMMENDATION: It is recommended that the Board of Education approve a General Waiver Request from the State Board of Education 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 portions of Education Code Sections 5019, 5021 and 5030, and all of Education Code Section 5020.

ADDITIONAL MATERIAL: General Waiver Request

Attached: Yes

**RIVERSIDE UNIFIED SCHOOL DISTRICT
MINUTES OF THE REGULAR MEETING OF THE BOARD OF EDUCATION
MONDAY, JULY 16, 2012
BOARD ROOM
6735 MAGNOLIA AVENUE, RIVERSIDE, CALIFORNIA**

CALL THE MEETING TO ORDER

Mrs. Cloud, Board President, called the meeting to order at 3:30 p.m.

MEMBERS PRESENT

Mrs. Gayle Cloud, President; Dr. Charles L. Beaty, Vice President; Mrs. Kathy Allavie Clerk; and Mrs. Patricia Lock-Dawson, Member.

Also present were District Superintendent, Dr. Rick L. Miller, members of the staff, and other interested citizens.

STUDY SESSION

Completion Data/Prevention Programs

Mrs. Cheryl Simmons, Director, Instructional Services 7-12, introduced Mr. Daniel Patterson, Program Improvement Coordinator; Dr. David Haglund, Director, Virtual Schools and Continuation Programs; and Ms. Jill Marks, Director, Gateway to College Early College High School, reviewed a PowerPoint presentation regarding RUSDs cohort graduation rate, completion data, and prevention programs.

Academic Performance Index (API)/State and Similar Schools Ranking for 2011

Mrs. Judi Paredes, Assistant Superintendent, Instructional Services, introduced Ms. Renee Hill, Director, Elementary Education, who provided a presentation about the 2011 Base Academic Performance Index (API) Scores and the corresponding State and Similar School Rankings recently released by the California Department of Education.

Mr. Tom Hunt, Member, arrived at 4:44 p.m.

The Study Session ended at 4:47 p.m.

PUBLIC PARTICIPATION ON CLOSED SESSION MATTERS

The Board adjourned to Closed Session at 5:00 p.m.

CLOSED SESSION

1. Consideration of Pupil Services Matters Pursuant to Education Code Sections 35146 and 48918
2. Consideration of Public Employee Appointment Pursuant to Government Code Section 54957.6
Title: Director, Certificated Personnel, Elementary and Middle School Principals

RECONVENE OPEN SESSION

The Board reconvened in Open Session at 5:30 p.m. Mrs. Cloud announced that the following action was taken by the Board during Closed Session:

It was moved by Mrs. Allavie and seconded by Mr. Hunt and unanimously approved by members present to appoint Mrs. Kyley Ybarra, Director, Certificated Personnel; Ms. Elizabeth Gosnell, Principal, Highgrove Elementary School; and Ms. Denise Bogan, Principal, George Washington Elementary School.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to our flag was led by Board President Gayle Cloud.

SECTION A– PRESENTATIONS

A.1 Energy Excellence Award and Energy Education Program Update

Mr. Ed Graff, Energy Education Regional President, Marketing, presented the Energy Excellence Award to staff. Dr. Kirk Lewis, Assistant Superintendent, Operations, introduced Ms. Mary Jane Gyll and Mr. Mike Fitzgerald, Energy Education Specialists, who reviewed a PowerPoint presentation and provided an update regarding the Energy Education Program.

Board members commended the Energy Education staff for their hard work. Mr. Hunt requested that this report be forwarded to the City.

SECTION B– PUBLIC INPUT

Mr. Andrew Sunter spoke to the Board members regarding partnerships/grants that are available for schools to attend Alpine Meadows.

SECTION C – DISTRICT EMPLOYEE GROUP REPORT

C.1 CSEA Presentation by Ms. Mickey McDonald, 2nd Vice President, Riverside Unified School District, Chapter #506

SECTION D – SUBCOMMITTEE REPORT

D.1 Board Communications Subcommittee Report

The Board of Education received a report from Mrs. Allavie on behalf of the Board Communications Subcommittee.

SECTION E – CONSENT

Approval of the Consent Calendar was moved by Dr. Beaty and seconded by Mrs. Allavie and unanimously approved by members present, with the exception of Item E.14. Items in the Consent Calendar have been published with the agenda and copies are on file in the District administrative offices.

ITEM PULLED FROM THE AGENDA

E.14 Revised Employment Agreement With the District Superintendent

The item was moved by Dr. Beaty and seconded by Mrs. Allavie and approved by a 4 to 1 vote with Mr. Hunt abstaining, approving the revised employment agreement and that an addendum can be considered at a future meeting regarding the additional language that Mr. Hunt proposed.

SECTION F – PUBLIC HEARINGS

F.1 Public Hearing – General Waiver Request – Consider Seeking a Waiver From the State Board of Education 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 and 5020

Mrs. Cloud opened the public hearing at 6:17 p.m.

Mr. Michael Fine, Deputy Superintendent, Business Services and Governmental Relations, stated that the public hearing was being held on the proposed General Waiver Request seeking a waiver from the State Board of Education 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 portions of Education Code Sections 5019, 5021, 5030, and all of Education Code Section 5020.

Mrs. Cloud closed the public hearing at 6:23 p.m.

F.2 Public Hearing – Regarding the 2012-2013 Special Education Annual Budget Plan

Mrs. Cloud opened the public hearing at 6:24 p.m.

Mr. Tim Walker, Executive Director, Pupil Services/SELPA, stated that the District is required to hold a public hearing to provide an opportunity for members of the public to address the Board of Education prior to the adoption of the 2012-2013 Special Education Budget Plan.

Mrs. Cloud closed the public hearing at 6:25 p.m.

F.3 Public Hearing – Regarding the 2012-2013 Special Education Annual Service Plan

Mrs. Cloud opened the public hearing at 6:26 p.m.

Mr. Tim Walker discussed that the District is required to hold a public hearing to provide an opportunity for members of the public to address the Board of Education prior to the adoption of the 2012-2013 Special Education Annual Service Plan.

Mrs. Cloud closed the public hearing at 6:27 p.m.

SECTION G – ACTION

G.1 General Waiver Request From the State Board of Education 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 Portions of Education Code Sections 5019, 5021 and 5030, and All of Education Code Section 5020

Mr. Fine indicated that the Board of Education was being asked to consider approving a General Waiver Request seeking a waiver from the State Board of Education 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 portions of Education Code Sections 5019, 5021, 5030 and all of Education Code Section 5020.

The item was moved by Dr. Beaty and seconded by Mr. Hunt and unanimously approved by members present.

G.2 Resolution No. 2012/13-03 – Resolution of the Board of Education of the Riverside Unified School District Recommending That the Riverside County Committee on School District Organization Approve and Establish Trustee Areas From Which District Governing Board Members Will Be Elected in a By-Trustee Area Election Process

Dr. Miller explained that staff was requesting that the Board of Education delay action on this item and allow staff to bring back the item for action at the August 20, 2012, Board of Education meeting.

The item was moved by Mrs. Allavie and seconded by Mr. Hunt and unanimously approved by members present to table this item until the August 20, 2012, Board of Education meeting.

G.3 Adoption of the 2012-2013 Special Education Annual Budget Plan

Mr. Walker discussed that the Special Education staff was recommending adoption of the 2012-2013 Special Education Annual Budget Plan. He indicated that this action was required to comply with California Education Code §56205(b)(1). He noted that the Budget Plan summarizes the State and Federal special education revenues and the current year special education budget.

The item was moved by Dr. Beaty and seconded by Mr. Hunt and unanimously approved by members present.

G.4 Adoption of the 2012-2013 Special Education Annual Service Plan

Mr. Walker said that Special Education staff was recommending adoption of the 2012-2013 Special Education Annual Service Plan. He commented that the Service Plan describes the full continuum of special education services provided by the Riverside Unified Special Education Local Plan (SELPA).

The item was moved by Dr. Beaty and seconded by Mrs. Allavie and unanimously approved by members present.

G.5 Career Exploration – New Course for Middle Schools

Mr. Sean Curtin Principal, Chemawa Middle School, reviewed a PowerPoint explaining that this course will provide students with an introductory Career Technical Education (CTE) course that will provide for career assessment, exploration of career choices, and an introduction to educational opportunities and pathways to careers in various industry sectors.

The item was moved by Mrs. Allavie and seconded by Mr. Hunt and unanimously approved by members present.

G.6 Resolution No. 2012/13-01 – Resolution of the Board of Education of Riverside Unified School District Authorizing the Issuance of Bonds of Certain Community Facilities Districts Designated 2012 Special Tax Refunding Bonds for the Purpose of Defeating and Refunding the Outstanding Bonds of Said Districts, Appointing Fiscal Agent and Escrow Agent, Approving Bond Purchase Agreement and Authorizing Negotiation of Terms of the Sale of Said Bonds, Approving Preliminary Official Statement and Authorizing Preparation of Final Official Statement, Approving Continuing Disclosure Agreement, Authorizing Obtaining Ratings of Said Bonds and Purchase of Municipal Bond Insurance

Mr. Fine stated that the Board of Education was being asked to consider adopting Resolution No. 2012/13-01 authorizing the issuance of special tax refunding bonds for Community Facilities Districts Nos. 2, 3, 4, 6, 8, 9, 11, 12, 15, 16 and 27, and approving various related agreements and statements.

The item was moved by Dr. Beaty and seconded by Mr. Hunt and unanimously approved by members present.

RECESS PUBLIC SESSION

SECTION H – CONVENE THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE RIVERSIDE UNIFIED SCHOOL DISTRICT FINANCING AUTHORITY MEETING

H.1 Call to Order – Mr. Fine, Treasurer called the meeting to order.

H.2 Report on Number of Directors Present in Order to Determine the Existence of a Quorum – All members present.

H.3 Certification Regarding Delivery of Notice of July 16, 2012 Regular Meeting of the Board of Directors of the Riverside Unified School District Financing Authority

Mr. Fine, Treasurer, certified that a notice of the time and place of the regular meeting of the Board of Directors of the Riverside Unified School District Financing Authority to be held on July 16, 2012 was delivered.

H.4 Resolution No. 2012/13-02 – Resolution of the Board of Directors of the Riverside Unified School District Financing Authority Authorizing the Issuance of Revenue Bonds for the Purpose of Purchasing Bonds of Community Facilities Districts Nos. 2, 3, 4, 6, 8, 9, 11, 12, 15, 16, and 27 of Riverside Unified School District, Authorizing and Directing the Execution and Delivery of an Indenture of Trust, a Bond Purchase Contract, a Bond Purchase Agreement, and a Continuing Disclosure Agreement, Approving an Official Statement, and Authorizing Other Actions

Mr. Fine stated that the Board of Directors was being asked to consider adopting Resolution No. 2012/13-02 authorizing the issuance of revenue bonds for the purpose of purchasing bonds to be issued by Riverside Unified School District to refund outstanding bonds of Community Facilities Districts Nos. 2, 3, 4, 6, 8, 9, 11, 12, 15, 16 and 27, and approving various related agreements and statements.

Mr. Adam Baur, Principal, Fieldman/Rolapp & Associates, answered questions related to bond ratings.

The item was moved by Dr. Beaty and seconded by Mr. Hunt and unanimously approved by members present.

ADJOURN THE BOARD OF DIRECTORS OF THE RIVERSIDE UNIFIED SCHOOL DISTRICT FINANCING AUTHORITY REGULAR MEETING

RECONVENE PUBLIC SESSION OF REGULAR MEETING

SECTION I – CONCLUSION**I.1 Board Members' Comments**

Mrs. Lock-Dawson requested that a future Board presentation be given on partnership academies.

Mrs. Allavie mentioned an article from the *Los Angeles Times* titled, "Valedictorians: Who needs them?" She discussed the highly-competitive nature of the recognition and courses that are used to "bump up" grade-point averages and others that are avoided. Mrs. Allavie said that she would like to share this article with Board members, but also suggested that the dilemma be sent to the High School Task Force members. The other Board members concurred, and it was suggested that former valedictorian course history should be looked at.

Dr. Beaty mentioned his attendance at the opening of the Center for Social Justice and Civil Liberties on June 27 – he said it was quite an experience. He congratulated Mr. Mike Fine for recently being named one of four recipients of the 2012 Public Administration Awards by the Inland Empire Chapter of the American Society of Public Administration. Dr. Beaty indicated that the Starting Blocks program where students from Henry W. Longfellow and Thomas Jefferson Elementary Schools spend two weeks learning to swim is a wonderful program.

Mr. Hunt provided a brochure to Dr. Beaty regarding a company that he would like the Board Finance Subcommittee to consider. Mr. Hunt requested that Dr. Lewis work with Councilman Melendrez to discuss University of California, Riverside (UCR) using Ramona High School's stadium for their farm soccer team.

Mrs. Cloud mentioned that she had lunch with Ms. Lorraine Hernandez Saint, member, Greater Riverside Hispanic Chamber of Commerce, who is interested in presenting their mentoring program to our District. Mrs. Cloud stated that the District's alternative programs undergo a lot of scrutiny and praise, and she would like to see any future bond issuances include those groups/facilities.

I.2 Superintendent's Announcements

Dr. Miller reported that there is a lot going on even with our schools being out.

I.3 Next Board Meeting: August 20, 2012**ADJOURNMENT**

Mrs. Cloud adjourned the Public Session at 7:25 p.m., in memory of Mr. Dick Kuester, former principal at Abraham Lincoln High School for many years and then at the Educational Options Center (EOC) until he retired in July of 1999; Ms. Betty Elam Riddle, former teacher at Thomas Jefferson and George Washington Elementary Schools; and Mrs. Maxine Shepherd, former school secretary for over 30 years at Fremont, Victoria, and serving most of those years at Louisa May Alcott Elementary School and a former president of CSEA.

Kathy Allavie
Clerk
Board of Education