

Overview of the County Committee's Role in Approving or Disapproving Proposals to Establish Trustee Areas under Current Law



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Education Code section 5019(a)

- ❖ The County Committee may:
 - ▶ Establish trustee areas;
 - ▶ Rearrange the boundaries of trustee areas;
 - ▶ Abolish trustee areas;
 - ▶ Increase to seven from five or decrease from seven to five the number of members of the governing board; or
 - ▶ Adopt one of the alternative methods of electing governing board members.

Education Code section 5019(c)

- ▶ A proposal to make the changes described in subdivision (a) may be initiated by the County Committee or to the County Committee by petition of registered voters or by resolution of the governing board of the district.
- ▶ When a proposal is made, the County Committee shall call and conduct at least one hearing in the district on the matter.
- ▶ At the conclusion of the hearing, the County Committee shall approve or disapprove the proposal.

Education Code section 5020(a)(1)

- ▶ A resolution of the County Committee approving a proposal to establish trustee areas and to adopt one of the alternative methods of electing governing board members specified in Education Code section 5030, constitutes 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.

Education Code section 5020(a)(2)

- ▶ A County Committee may, by resolution, approve a proposal to establish trustee areas and to elect governing board members using district based elections **without being required to call an election.**
- ▶ The resolution must include a declaration that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (CVRA).
- ▶ The CVRA prohibits an at-large method of election system from impairing the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class.
- ▶ The resolution shall take effect upon adoption and shall govern all elections for governing board members occurring at least 125 days after the adoption of the resolution.

Education Code section 5030

- ▶ Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.
- ▶ Alternative methods of Electing Governing Board Members, include:
 - (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.
- ▶ Any affected incumbent member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with the method recommended by the County Committee.

Elections Code section 10010(a)(1)

- ▶ A school district that changes from an at-large method of election to a district-based election, or that establishes district-based elections, shall do all of the following:
 - Conduct public outreach, including to non-English speaking communities, to explain the districting process and to encourage public participation.
 - Before drawing a draft map or maps of the proposed boundaries, hold at least two public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the districts.

Elections Code section 10010(a)(2)

- ▶ After all draft maps are drawn, the school district shall publish at least one draft map and, if members of the governing body of the school district will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections.
- ▶ The school district shall also hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.
- ▶ The first version of a draft map shall be published at least seven days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven days before being adopted.

Trustee Areas

- ▶ The current Education Code and Elections Code provisions applicable to establishing trustee areas for school districts, do not identify the criteria that the County Committee must consider, which results in broad discretion by the County Committee.
- ▶ The County Committee has been guided by redistricting principles based on:
 - The US Constitution and California Constitution
 - Federal and state Voting Rights Acts
 - Caselaw

Redistricting Principles

- ▶ Redistricting principles are intended to safeguard against discriminatory voting policies and practices on the basis racial, color, or other protected categories by ensuring equitable representation, which may include:
 - “One person, one vote” - Trustee Areas are to be relatively equal in size by total population
 - Avoids racially polarized voting
 - Geographically contiguous - Trustee Areas should not hop/jump
 - Maintain “communities of interest”
 - Follow natural or artificial boundaries (rivers, city lines, freeways)
 - Geographically compact



QUESTIONS AND ANSWERS