

Board Appointment Update

Mount Pleasant Board of Trustees
March 13, 2019

Waiver Process with Santa Clara County Board

Waiver Authority & Purpose Education Code 33050: The governing board of a school district or a county board of education, on a districtwide or countywide basis or on behalf of one or more of its schools or programs, after a public hearing on the matter, may request the state board to waive all or part of any section of this code or any regulation. The purpose of a waiver is to provide flexibility in a school district or county office of education without undermining the basic intent of the law.

Summary of Issues

- When a vacancy occurs, Education Code 5091 requires a governing board to make a provisional appointment or order an election to fill the vacancy within 60 days
- If the governing board fails to appoint or order an election, the County Superintendent must call an election to fill vacancy
- Vacancy on the Mt. Pleasant Board occurred on December 14, 2018
- The Mt. Pleasant Board failed to appoint or order an election within 60 days from the date of vacancy
- Next established election date is November 5, 2019

Waiver Request -SBE

- Request for the SBE is scheduled for the May 8th/9th SBE agenda
 - The request was sent to the SBE by the SCCOE
 - Superintendent Engle spoke before the SCCOE Board on Wednesday, March 6
 - Mt. Pleasant Board Appointment process will begin after SBE approval of waiver (May 8/9) on Monday, May 13
- Request to SBE would waive the 60 day timeline and would extend the date to fill the vacancy to July 15, 2019
- If the waiver is approved, Mt. Pleasant board would retain the ability to appoint a board member through July 15, 2019
- If the Mt. Pleasant board fails to fill the vacancy by July 15, 2019 the County Superintendent's call for election in November 2019.

Summary of Previous SBE Action

- SBE has approved similar waivers of E.C. 5091 in the past
- 9 waivers of this kind were approved in 2017-2018
- Waiver requests of E.C. 5091 have been placed as consent action items

Waiver Components

The following components are required when submitting a waiver request: -
Public hearing held before requesting Board -

Bargaining Unit position - Advisory Committee position (ex. PTA) -

Letter of support from district is advisable although not required