

IUSD ELECTORAL PROCESS UNDER CONSIDERATION

Presented to IUSD's DELAC Members

March 1, 2018



IRVINE UNIFIED SCHOOL DISTRICT

IUSD ELECTORAL PROCESS UNDER CONSIDERATION

- ▶ Similar to neighboring districts, the Irvine Unified School District Board of Education have begun the process to consider establishing a By-Trustee Area election process for the 2018 election year. The Irvine Unified School District may seek a waiver of the requirements of Education Code 5019-5020 and related sections.
- ▶ Obtaining a waiver of the above-referenced Education Code sections would allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible thereby eliminating the need to go through the expense and uncertainty of a ballot measure on this subject. If the District adopts these areas and established this process it can avoid potential liability under the California Voting Rights Act of 2001 ("CVRA") as a result of its current at-large election system.
- ▶ As part of the process, the District provides notice and explanation for the nature of the waiver requested and the facts that have led to the request to all stakeholder groups.



TYPES OF ELECTIONS THAT CAN BE USED BY SCHOOL DISTRICTS

At-Large Elections

Candidates must reside within the District's boundaries and are elected by all the voters who reside in the District's boundaries. (Ed Code Section 5030(a).)

By-Trustee Area Elections

Candidates must reside in specific "Trustee Areas" within the District's boundaries and are elected only by voters who reside in the same Trustee Areas. (Ed Code Section 5030(b).)



CALIFORNIA VOTING RIGHTS ACT OF 2001

- ▶ The California Legislature enacted the California Voting Rights Act (CVRA) of 2001. 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 that 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 in California.



CALIFORNIA VOTING RIGHTS ACT OF 2001

- ▶ Added Elections Code Section 14027 Which Provides:
 - ▶ An at-large method of election may not be imposed or applied in a manner that impairs 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 abridgement of the rights of votes who are members of a protected class.



WHAT CONSTITUTES A VIOLATION OF THE CVRA?

- ▶ 14208. (a) A violation [of the CVRA] is established if it is shown that racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision.
- ▶ 14028. (b) **Proof of an intent** on the part of the voters or elected officials to discriminate against a protected class is not required.



IUSD'S POSITION

- ▶ The Board of Education, District staff, the Irvine Unified Council PTA and other District stakeholders do not agree with many of the inaccurate claims made in the demand letter, which do not represent our community.
- ▶ Based on the passage of the California Voting Rights Act, the state has created a requirement to have districts and municipalities consider moving away from at-large voting systems.



TRANSITIONING FROM AT-LARGE TO BY-TRUSTEE AREA ELECTION PROCESS

- ▶ Three different procedures can be used to change from an at-large trustee area process to a by-trustee area election process:
 - ▶ Initiated by petition of the electorate;
 - ▶ Initiated by the county committee; and
 - ▶ Initiated by resolution of the district (“District-initiated”) (Education Code Section 5019(c)(1).)



WAIVER OF THE ELECTION REQUIREMENT

- ▶ As an alternative to the election requirement and in order to avoid the expense and uncertain outcome of an election on whether to change its election process, pursuant to Ed Code sections 33050-33053, the District may file a request with the State Board of Education to waive the election requirement.
- ▶ The application for the waiver needs to reflect whether the exclusive representatives of the District's stakeholders have been involved in the preparation of the waiver request, and their position thereon.



IMPORTANT NOTE:

- ▶ The waiver does not eliminate the public's right to vote for school board members.



STAKEHOLDER FEEDBACK REQUIRED

- ▶ The District must consult with bargaining units, advisory councils and committees and obtain their positions on the waiver:

Position Regarding Waiver Request

The Irvine Unified School District, District English Learner Advisory Committee has received and reviewed information regarding the Irvine Unified School District's possible intent to seek a waiver of the requirements of Education Code sections 5019-5020 that the establishment of trustee areas and adoption of a by-trustee area election process be put to a vote by the electors of the District.

- ▶ Neutral
- ▶ Support
- ▶ Oppose



NEXT STEPS

March
13

- Board of Education to consider resolution to commence process to transition to trustee area elections.
- Board of Education to consider a request for waiver of the election process to transition to a trustee election.

If the Board elects to proceed in transitioning to a trustee area election.

March-
April

- The District will hold Community Information Meetings about the process and to obtain feedback on the trustee area map criteria.

March
27

- Public Hearing No. 1: The public is invited to provide input regarding the composition of the proposed districts.

April 11

- Public Hearing No. 2: The public is invited to provide input regarding the composition of the proposed districts. After which the Board will approve criteria for the trustee districts.



NEXT STEPS CONTINUED

Mid-April

- Proposed trustee map(s) produced for public review.

May 8

- Public Hearing No. 1: The public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.

May 29

- Public Hearing No. 2: The public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable. After which the Board will adopt a map for approval by the Orange County Committee on School District Organization.

June

- The Orange County Committee on School District Organization shall conduct a public hearing within IUSD boundaries to consider approval of the proposed trustee area map.



QUESTIONS?

