



## ETIWANDA SCHOOL DISTRICT

Etiwanda Education Center Board Room  
6061 East Avenue, Etiwanda, CA 91739

**BOARD OF TRUSTEES:** Robert Garcia, Matthew Gordon, Dr. Fermín Jaramillo, Dayna Karsch, and David W. Long,

### BOARD OF TRUSTEES SPECIAL BOARD MEETING

#### AGENDA

Tuesday, January 17, 2023, 6:30 p.m.

*This board meeting will take place in-person on the date, time and location noted above. Members of the public may view a live stream of the meeting using the link below. Public Comment will only be allowed for in-person participants.*

**View the meeting livestream:** Members of the public can view the live stream of the meeting at: <http://stream.etiwanda.org>. Public comment is not available to live stream viewers.

The agenda and attachments can be found at: <http://meetings.etiwanda.org/A01-17-2023.pdf> or when on the District website, scroll down to the Board Meetings, and select the January 17, 2023, meeting date.

Members of the public may participate in the Public Comment portion of the meeting by attending the meeting in-person and addressing the Board during Public Comment as noted on the agenda.

#### 1. **CALL TO ORDER**

- A. Roll call.
- B. Pledge of allegiance.

#### 2. **PUBLIC COMMENT ON AGENDA ITEMS**

Because this is a special meeting, members of the public may only comment on agenda items. This is the time and place for the general public to address the Board of Trustees on items on the meeting agenda. State law prohibits the Board from acting on any issue not previously included on the agenda. Because there are time limits imposed for public comment, neither the Board nor the Superintendent answer questions or respond to statements made during the public comment. Members of the Board or the Superintendent may choose to take notes and respond briefly after public comment is closed. Individual speakers shall be allowed up to three minutes to address the Board on each agenda item. This time may be shortened based on the number of speakers or issues to be addressed at the Board's discretion. If a member of the public desires to be heard on more than one item appearing on the agenda, he or she will be allowed up to a total of five minutes to address all desired agenda items with a maximum of three minutes per agenda item. For agenda items, in order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. Board Policy 9323 limits the total time for public input on each agenda item to a maximum of thirty minutes. This time may be shortened based on the number of speakers or issues to be addressed at the Board's discretion. The Board assumes no responsibility for the speaker's liability for any intentionally false or defamatory comments the speaker may make regarding any person during the opportunity for public comment. Persons who have complaints against employees of the District are encouraged to seek resolution of those complaints by utilization of the Etiwanda School District written complaint procedure rather than orally addressing them at a meeting.

- A. Comments on agenda items.

#### 3. **REVIEW / ADOPT AGENDA**

This is the time to adopt the agenda.

- A. Adopt the agenda as presented or amended.

**4. SUPERINTENDENT'S PRESENTATION**

- A. Discussion and action to determine the method by which the Board vacancy created by the death of incumbent Board Member David Long will be filled pursuant to Education Code sections 5091 and 5092: Provisional appointment or a call for special election to fill a vacancy on the Etiwanda School District Board of Trustees, Trustee Area 2.
- B. If required by Board action on item 4. A., discussion and action to approve a timeline for the provisional appointment of a Board Member to fill the board vacancy, including the establishment of special meeting dates and times.
- C. If required by Board action on item 4. A., discussion and action to approve the candidate application form.

**5. ADJOURNMENT**

Submitted by Charlayne Sprague, Superintendent and Secretary to the Board of Trustees. As of January 11, 2023, student enrollment is 13,476 (TK-8) + 260 (CLOUDS) Total: 13,736.  
(+57 from December 1, 2022)

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Public records related to the public session agenda that are distributed to the Governing Board less than 24 hours before a special meeting, may be inspected by the public at the Etiwanda Education Center, 6061 East Avenue, Etiwanda, CA 91739, during regular business hours (7:30 a.m. to 4:00 p.m.).

In accordance with section 54953.2 of the *Government Code*, individuals may make a request for disability related modifications or accommodations, including auxiliary aides or services, in order to participate in a public meeting. Such requests must be submitted in writing no later than noon, two business days preceding the date of the meeting. Requests should be submitted to the attention of: Superintendent Charlayne Sprague.

Upon request by a student's parent/guardian, or by the student if age 18 or older, the Board Meeting Minutes shall not include the student's or parent/guardian's address, telephone number, date of birth, or email address; or the student's name or other directory information as defined in Education Code 49061. The request to exclude such information shall be made in writing to the secretary or clerk of the Board. (Education Code 49073.2)

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**Charlayne Sprague**  
Superintendent  
**Douglas M. Claflin**  
Assistant Superintendent of Business Services  
**Laura Rowland**  
Assistant Superintendent of Personnel Services  
**Jeannie Tavalazzi**  
Assistant Superintendent of Instruction and Pupil Services  
**Elizabeth Freer**  
Executive Director of Special Education



**Board of Trustees**

Robert Garcia  
Matthew Gordon  
Dr. Fermin Jaramillo  
Dayna Karsch  
David W. Long

6061 East Avenue, Etiwanda, California 91739  
[www.etiwanda.k12.ca.us](http://www.etiwanda.k12.ca.us)  
(909) 899-2451 FAX (909) 803-3035

**MEMORANDUM**

To: Board of Trustees

From: Charlayne Sprague, Superintendent

Date: January 17, 2023

Re: Item 4.A. Superintendent's Presentation:

Discussion and action to determine the method by which the Board vacancy created by the death of incumbent Board Member David W. Long will be filled pursuant to Education Code sections 5091 and 5092: Provisional appointment or a call for special election to fill a vacancy on the Etiwanda School District Board of Trustees, Trustee Area 2.

Background:

Incumbent Board Member David W. Long passed away unexpectedly on January 8, 2023, creating a vacancy on the Board of Trustees as of the date of his passing. Pursuant to Education Code sections 5091 and 5092, the Board needs to determine the method by which the vacancy will be filled. Within 60 days of the effective date of the vacancy, the Board must either make a provisional appointment or call for a special election. Please see the attached policies: Board Policy 9223 and Exhibit 9223: *Filling Vacancies*, for information regarding the two options.

**Provisional Appointment:** If the Board chooses provisional appointment, the Board has 60 days from the effective date of the vacancy in which to make a provisional appointment (March 8, 2023). This process would include notification to the community, an application process, interviews of candidates in open session, and deliberation and appointment occurring in open session as well. The person appointed through the provisional appointment process, unless a successful petition for a special election is filed, would serve the remainder of the vacant member's current term and until the next regularly scheduled board election (2024).

The provisional appointment could be challenged through a petition process which would then require the district to hold a special election. In order to petition for a special election within thirty days of the date of the provisional appointment, petitions with signatures from 1.5% of the registered voters in the district, must be

filed with the County Superintendent. The County Superintendent would then call for a special election.

**Call for an Election:** The Board would adopt a resolution calling for an election and notify the County Superintendent who would notify the Registrar of Voters. Assuming the Board took action on January 17, 2023, the Superintendent would notify the Registrar of Voters. The timeline for the special election would be determined by the Registrar of Voters, and would include a call for nominations, ballot preparation, polling place locations, and certified election results. The elected person will serve the remainder of the vacant member's current term and until the next regularly scheduled board election (2024).

According to the Registrar of Voters, if a special election is called, the cost is estimated at \$51,000.

Recommendation:

It is the Superintendent's recommendation that due to the cost and timeline for holding a special election, the Board selects provisional appointment as the method for filling the board vacancy.

Fiscal Impact:

Costs for a special election are noted above. Costs for a provisional appointment are minimal.



## **9223 Filling Vacancies**

### **Events Causing a Vacancy**

A vacancy on the Governing Board may occur for any of the following events:

1. The death of an incumbent. (Government Code 1770)
2. The adjudication pursuant to a quo warrant proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation. (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office, including by recall. (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be a resident of the district. (Government Code 1770)
6. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
  - a. Upon district business with the approval of the Board.
  - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days.

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

- c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

## **9223 Filling Vacancies (continued)**

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law. (Government Code 1770)
8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office. (Government Code 1770, 3000-3003)
9. A Board member's refusal or neglect to file his/her required oath within the time prescribed. (Government Code 1770)
10. The decision of a competent tribunal declaring void a Board member's election or appointment. (Government Code 1770)
11. The making of an order vacating a Board member's office or declaring the office vacant when the Board member fails to furnish an additional or supplemental bond. (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final. (Government Code 1770)
13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s). (Education Code 5090, 5326, 5328)

### **Timelines for Filling a Vacancy**

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)



## **9223 Filling Vacancies (continued)**

2. When a vacancy occurs longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

### **Eligibility**

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

### **Provisional Appointments**

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall notify the local media to solicit candidate applications or nominations. The Board shall interview the eligible candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation.
2. The full name of the appointee.
3. The date of appointment.
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment.

### **9223 Filling Vacancies (continued)**

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

#### **Appointment Due to Failure to Elect**

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

## **EX-9223 Filling Vacancies**

### **Events causing vacancy before expiration of term (Government Code 1770)**

An office becomes vacant on the happening of any of the following events before the expiration of the term:

- (a) The death of the incumbent.
- (b) The adjudication pursuant to a quo warrant proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term.
- (c) His/her resignation.
- (d) His/her removal from office.
- (e) His/her ceasing to be an inhabitant of the district for which the officer was chosen or appointed or within which the duties of his/her office are required to be discharged.
- (f) His/her absence from the state without the permission required by law beyond the period allowed by law.
- (g) His/her ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law.
- (h) His/her conviction of a felony or any offense involving a violation of his/her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict or finding.
- (i) His/her refusal or neglect to file his/her required oath or bond within the time prescribed.
- (j) The decision of a competent tribunal declaring void his/her election or appointment.
- (k) The making of an order vacating his/her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.
- (l) His/her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; in this event, the office shall not be deemed vacant until the order of commitment has become final.

Absence from state; members of governing board of school districts; conditions (Government Code 1064)

**EX-9223    Filling Vacancies (continued)**

No member of the governing board of a school district shall be absent from the state for more than 60 days, except in any of the following situations:

- (a)    Upon business of the school district with the approval of the board.
- (b)    With the consent of the governing board of the school district for an additional period not to exceed a total absence of 90 days.
- (c)    For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard.

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the governing board of the school district for an additional period not to exceed 30 days.



*Etiwanda School District*

**Board Member Vacancy 2022-23: Timeline for Appointment of New Member**

Monday, January 9	Vacancy effective date
Tuesday, January 17	<b>Special Board Meeting at 6:30 p.m.</b>  Board determines method to fill vacancy: Provisional appointment or call for a special election.  If provisional appointment is selected: Board takes action on the timeline for provisional appointment process. Board takes action on candidate application.
Wednesday, January 18	Vacancy Public Announcement  Notice regarding vacancy emailed to families, posted on social media and district website, and posted at school sites.  Application available for download and paper copy available at schools/district office.  Press release for Daily Bulletin.
Wednesday, January 18	Application period January 18 – January 31
Tuesday, January 31	Application period closes at 4:00 p.m.
Wednesday, February 1	Board President and Clerk meet with Superintendent to review eligibility of candidates for interviews at 5:00 p.m.  <b>Special Board Meeting at 6:30 p.m.</b>  Board determines interview questions. Board President announces eligible candidate names.
Monday, February 13 and/or Wednesday, February 15	<b>Special Board Meetings/Candidate Interviews begin at 6:30 p.m.</b>  Board interviews candidates, deliberates, and makes an appointment in open session.
Thursday, March 2	Regular Board Meeting  Appointed Trustee takes Oath of Office.
Thursday, March 8	Deadline for appointment



**Charlayne Sprague**

Superintendent

**Douglas M. Claflin**

Assistant Superintendent of Business Services

**Laura Rowland**

Assistant Superintendent of Personnel Services

**Jeannie Tavalazzi**

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(909) 899-2451 FAX (909) 803-3035

## **Application for Provisional Appointment to Board of Trustees Representing Area 2**

January 18, 2023

The Etiwanda School District has a vacancy on its Board of Trustees. The Board has decided to provisionally appoint a Trustee in Trustee Area 2 to serve until the end of the vacant member's current term. The Board desires to receive applications from community members who not only meet the minimum legal qualifications, but who support the mission of the Etiwanda School District. The Board seeks a Trustee to serve for at least the remainder of the term, which will conclude in December 2024, and who will commit to the time and effort to provide a quality education for the students of the district.

Please complete the attached application and provide any additional background information you feel will help the Board of Trustees in their deliberations to select a Trustee. Completed application materials are due in the Superintendent's Office no later than 4:00 p.m. on Tuesday, January 31, 2023. You may submit the application to the receptionist in the District Education Center at 6061 East Ave., or email a copy to [rennee\\_peccoralo@etiwanda.org](mailto:rennee_peccoralo@etiwanda.org).

Interviews for finalists will be held in the Etiwanda School District board room on the evening of Monday, February 13, and Wednesday, February 15, 2023. Finalists will be notified of their interview time by phone and email the evening of Thursday, February 9, 2023. Accommodations will be made for candidates who are unable to physically come in for the interview.

### **REQUIRED QUALIFICATIONS OF GOVERNING BOARD MEMBERS**

(Pursuant to Education Code section 35107)

- Eighteen (18) years of age or older.
- A resident of the State of California.
- Reside in Etiwanda School District Trustee Area 2.
- Registered to vote within Etiwanda School District Trustee Area 2.
- Not disqualified by the Constitution or laws of the State from holding a civil office.

**Note: Employees of the district are eligible to serve on the Board; however, prior to taking office, the employee must resign from district employment.**

**Application for Consideration of Provisional Appointment  
to the Board of Trustees**

Completed application materials must be submitted to:

Etiwanda School District, Attn: Renee Peccorale, Superintendent's Office, 6061 East Avenue, Etiwanda, CA 91739. Application materials must be received by the Superintendent's Office **no later than 4:00 p.m. on Tuesday, January 31, 2023.**

FULL NAME

(First, Middle, Last): \_\_\_\_\_

PERMANENT

RESIDENCE ADDRESS:

(Street Address) \_\_\_\_\_

(City, State, Zip-Code) \_\_\_\_\_

HOME / CELL

PHONE NUMBER: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Please indicate below which date(s) you would be available for an interview between 6:30 p.m. and 9:30 p.m. by circling *Yes* or *No*:

*Monday, February 13: Yes / No*

*Wednesday, February 15: Yes / No*

**Verification of Education Code Section 35107 requirements:**

Please verify by indicating <i>Yes</i> or <i>No</i> to the following:	Yes	No
Are you 18 years of age or older?		
Are you a U.S. citizen?		
Do you reside within the Etiwanda School District?		
Do you reside within Trustee Area 2? (Check Trustee Area map on District website) or click <a href="#">here</a> to view map		
Are you a registered voter?		

Please verify you Are you disqualified by the Constitution or the laws of the state from holding a civil office for any of the following reasons:	Yes	No
Have you ever received a reward for appointment to an office?		
Have you ever asked for or received a bribe for the purposes obtaining an office or election?		
Have you ever been convicted of embezzlement or falsification of accounts?		

Have you ever been convicted of forgery?		
Have you ever been convicted of racketeering, extortion or conspiracy?		
Have you ever been impeached from office?		
Have you ever served as a legislator and been found in contempt of the legislature?		
Have you ever been convicted for neglect or violation of official duty?		
Have you ever been convicted for illegal participation in public contracts and conveyances?		
Have you ever been convicted of perjury?		
Have you ever taken an oath of assumption of foreign obligations?		

I certify under penalty of perjury that the above information is accurate and truthful. I understand that any false statements of material facts can cause forfeiture on my part to be a member of the Etiwanda School District Board of Trustees.

**SIGNATURE:**

**DATE:**

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**Continue to *Candidate Application Questions* (page 4) →**