CVRA in LA County & Statewide: Process and Practice

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LA COUNTY SCHOOL AND COMMUNITY COLLEGE DISTRICTS

- Local Districts:
  - 9 have trustee areas (7 with trustee area voting, 2 with at-large voting)
  - 82 have at large voting with no trustee areas

- Statewide:
  - Majority of districts do not have trustee areas

- But it is changing:
  - In the last 5 years, dozens of districts around the state have made the switch
    - Some changed pro-actively
    - Some changed as a result of litigation and legal settlements
    - Some changed as a result of resident petitions
CVRA in Brief

- Districts with at-large voting structures may be in violation of CVRA if:
  - They have racially polarized voting that prevents minority candidates from succeeding in elections
  - At-large voting schemes discourage minority candidates from running
  - There is evidence of undermining voting rights

- Indications of voting mismatch (which may or may not be racially polarized voting):
  - High percentage of minority residents or students enrolled, but low percentage of minority representation on governing board
  - High percentage of minority residents or students enrolled, but low percentage of minority candidates running for governing board
Even If You Have A Diverse Board

- CVRA activists have said, “That’s your board today. What about tomorrow?”
- Good governance, and a well-respected board (especially incumbents who keep getting reelected because of the great job they do) is no protection against a CVRA claim.
- CVRA can seem to require that a district prove that it is not in violation, which is a very difficult situation to be in.
- CVRA litigation is moving around the state, and now it’s here in LA County.
- Unless you have trustee areas and trustee area voting, there is no protection against potential liability under CVRA.
Where to Begin with CVRA

- Study your district
  - Engage an attorney experienced with CVRA issues
  - Hire a demographer
  - Understand your local landscape and communities of interest
  - Talk to neighboring districts and cities

- If there is a mismatch between your community/students and board/candidates:
  - Hold public meetings, hearings and forums to discuss moving to trustee areas
  - Discuss frankly the benefits and potential challenges
  - Outreach = Multiple forums engaging many stakeholders/constituencies
County Committee on School District Organization

- 11 member body elected by school board members
- Two members in each of the five Supervisorial Districts, 1 member at-large
- Elected for 4 year terms, serving without compensation
- Most members are current and former school board members
- Average service on the County Committee is 10+ years
- Deep expertise on district organization matters
- Los Angeles County has the most active school district organization climate in the state
- Issues they review include unifications, lapsations, transfers of territory, governing board governance and voting issues (such as trustee areas and size of governing board)
- Broad authority under the Education Code
County Office Staff are Here to Help

- LACOE staff are neutral facilitators of the school district reorganization process, which includes trustee area petitions under CVRA.
- We staff both the County Committee and the County Superintendent (who serves as Secretary to the County Committee), and provide significant assistance to districts and petitioners throughout the process.
- We can distill the experiences and challenges of many, many districts, which may help inform what your district is struggling with.
- We can advise about process, paperwork, timelines, election necessities and costs, and other issues that impact how a CVRA study and implementation play out.
- Getting in front of the issue (rather than waiting for legal action) is the best advice, whether or not your district moves to trustee areas.
If a district decides to move to trustee areas, whether affirmatively or as part of a legal settlement agreement, a valid petition to the County Committee will contain three key elements:

- A board resolution affirming that a majority voted to move to trustee areas
- A trustee area map
  - Developed using the assistance of recognized professionals
  - Various versions vetted at public forums where input was solicited
  - A final resolution selecting a final map and submitting it to the County Committee
- Once the petition is received (all three elements), the County Committee will hold its own public hearing within the district
- After that hearing, the County Committee will study the petition and vote at a meeting in the future – there are no timelines imposed on this process
Trustee Area Petition By A District

- Issues to keep in mind:
  - Timing is key. If a district moves to trustee areas, and the County Committee approves, it may be out of synch with election cycles so the trustee area plan will not go into effect until the next election. Any time that a district does not have trustee areas and trustee area voting in place, it is exposed to liability.
  - Settlement agreements may contain issues that cannot or will not be accommodated (such as timelines) by the County Committee.
  - The County Committee has broad authority under the Education Code to develop trustee area plans. It may not accept the plan submitted by the district and choose to develop its own plan – this will require additional time.
  - Trustee area plans approved by the County Committee need voter approval before they are implemented – however, this requirement is typically waived by the State Board of Education.
Trustee Area Petition by a Resident

- Residents of the district who are registered voters may also submit trustee area petitions.
- Resident petitioners must gather a specific number of valid signatures on their petitions, based on the number of registered voters in a district.
- If a district does not agree with the petition, i.e., does not want to implement trustee areas, it must address its opposition within the County Committee review process (at public hearing(s) and at County Committee meetings). Districts must be willing and able to refute the claims of resident petitioners, most often with the assistance of its own professionals.
- The County Committee has broad authority to review petitions and to alter and/or develop trustee area plans.
- If the County Committee does not approve a resident petitioner’s petition, the matter is ended.
What Not To Do

- **Be Secretive** – the issues surrounding the CVRA are well known statewide. Studying the issue in your district will not increase your potential liability. Your enrollment and population demographics, and your board candidates and elected members, are widely-available public information.

- **Wait and See** – The largest verdict in a CVRA case was recently awarded in Los Angeles County -- $3.6 million against a city. Several local districts that have reached settlement agreements following legal action have had to pay cash settlements, legal fees and also had to collaboratively create trustee area plans based on settlement demands.

- **Ignore the Intent of CVRA** – Gerrymandering, not working with experienced professionals who know state and federal law, not making sufficient outreach to the community? All very bad ideas. The County Committee will ask about these things to make sure you have a fair, legal, open and robust process. If not, they can reject your trustee area plan.

- **Don’t Ask for Help** – Each district must determine its own path. However, there is help available. No matter what you decide to do, being informed is better.
Invitation to Watch and Learn

• Several petitions for trustee area plans are coming up before the County Committee in the next several months. You are invited to attend these meetings (and the related public hearings) to observe the process and learn. Afterward, LACOE staff is always available to answer questions.

• Talk to your neighbors – many districts who have not yet moved to trustee area plans have studied it, are in midstream in the process, and/or have worked with some talented professionals who provided great assistance – ask for guidance, advice and recommendations.

• Visit the County Committee webpage on the LACOE website. It contains a library of hundreds of news articles related to CVRA activity statewide. We will also host today’s presentations, which you can share with your board, colleagues, leadership and community.
Contact LACOE For More Info

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