June 24, 2010

TO: Members of the Los Angeles County Committee on School District Organization (County Committee)

FROM: Daniel G. Villanueva, Secretary
County Committee

SUBJECT: Cancellation of the July 7, 2010, Regular Meeting of the County Committee

The regular meeting of the County Committee scheduled for Wednesday, July 7, 2010, has been CANCELLED. The next regular meeting is scheduled for Wednesday, August 4, 2010, at 9:30 a.m.

The following is an update of relevant information as of June 21, 2010:

Newspaper Articles

- A June 15, 2010, article from the North County Times—"VISTA: School district to consider changing how trustees are elected." (Attachment 1)

- A June 18, 2010, article from the Visalia Times-Delta—"Tulare hospital settles voter-rights lawsuit." (Attachment 2)

Legislative Review

Attached is a review of pending legislation related to school district organization. (Attachment 3)

School District Organization Proposals

Updated versions of the following two documents are provided for your information:

- “Summary of Los Angeles Unified School District Reorganization Proposals.” (Attachment 4)

- “Summary of Los Angeles County School District Reorganization Proposals (excluding those affecting the Los Angeles Unified School District).” (Attachment 5)
Cancellation of the July 7, 2010, Regular Meeting of
the County Committee
June 24, 2010
Page 2

Please call me at (562) 922-6144 if you have any questions or concerns.

DGV/AD:mb
Attachments
LOS ANGELES COUNTY OFFICE OF EDUCATION (LACOE)
DIVISION OF BUSINESS ADVISORY SERVICES

LOS ANGELES COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
(COUNTY COMMITTEE)
LEGISLATIVE REVIEW-JULY 2010

BILL NUMBER/AUTHOR: Senate Bill 1135/Cox
INTRODUCTION DATE: 02/18/10
LAST ACTIVITY/DATE:
03/22/10: Set, second hearing.
Hearing cancelled at the request of author.

DESCRIPTION OF BILL
This bill would repeal Education Code (EC) §§35555, 35556, and 45121, related to the rights of school employees in a school district reorganization.

Existing law protects the rights of non-certificated employees during a reorganization. During a unification, salaries, leaves, and other benefits must remain equivalent to the pre-reorganization status for all non-certificated employees for up to two years. Employees of any school district whose territory is part of a unification reorganization are protected under these provisions of the Education Code. This bill would remove those protections.

POTENTIAL IMPACT OF BILL ON LOS ANGELES COUNTY COMMITTEE, SCHOOL DISTRICT ORGANIZATION PROCESS AND/OR LOS ANGELES COUNTY SCHOOL DISTRICTS
This bill could present obstacles to school district reorganization petitions. If school districts, labor organizations, community groups or other advocates want to protect the employment rights of non-certificated employees, they may oppose reorganization petitions regardless of the petitioner’s motivations or goals. Sources at the California Department of Education indicate that strong support for this bill is not anticipated at this time.

RECOMMENDED POSITION
Staff recommends the following position:

☒ Watch Bill should be monitored by County Committee staff, but no action should be taken at this time.
☐ Approve The County Committee supports the bill’s concept, but will not actively work for passage.
☐ Support The County Committee actively supports the bill.
☐ Oppose The County Committee actively opposes the bill.
☐ Disapprove The County Committee disapproves of the bill’s concept, but will not actively oppose passage.

AMENDMENTS REQUIRED
If staff’s recommended position is based on the need for amendments to the bill language, suggested alternative language is attached.

CORRESPONDENCE REQUIRED
If staff’s recommended position is based on the need for correspondence to the bill’s author, the Governor or other governmental officials, a draft of suggested language is attached.

Please direct all comments to Daniel Villanueva, Secretary to the County Committee, at (562) 922-6144.
DESCRIPTION OF BILL

According to the Legislative Counsel’s Digest, “the California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a voter who is a member of a protected class may bring an action in superior court to enforce the provisions of the CVRA, and, if the voter prevails in the case, he or she may be awarded reasonable litigation costs and attorney’s fees.” The district would then be required to develop trustee areas and adopt a trustee area voting methodology.

The Legislative Counsel’s Digest opined further that: “This bill would require a voter to file a written claim with a county office of education, a school district, or a community college district prior to filing an action in superior court seeking enforcement of the CVRA against those entities. The county office of education, school district, or community college district would be required to respond to the claim within 30 days or the claimant would be allowed to file an action. The bill would provide that the county office of education, school district, or community college district would not be liable for a claimant’s litigation costs or attorney’s fees if the claim is accepted by the county office of education, school district, or community college district or if the claimant accepts alternative relief proposed by the county office of education, school district, or community college district. This bill would declare that it is to take effect immediately as an urgency statute.” [emphasis added]

POTENTIAL IMPACT OF BILL ON LOS ANGELES COUNTY COMMITTEE, SCHOOL DISTRICT ORGANIZATION PROCESS AND/OR LOS ANGELES COUNTY SCHOOL DISTRICTS

This bill could provide relief to LACOE and/or the County Committee from claims for attorneys’ fees (and expert witness fees) for actions stemming from a school district’s presumed violation of the CVRA (based on such district maintaining at-large voting methodologies), provided LACOE and/or the County Committee responds to relevant claims within 30 days and the claimant accepts the relief offered. It provides a brief window (30 days) within which LACOE and/or the County Committee could respond to such claims. It is not clear how much time would be provided for LACOE and/or the County Committee to take pro-active action to develop county-wide plans, provide technical assistance to districts in analyzing or changing their voting methodologies, and other actions that may mitigate any potential violations of the CVRA.

RECOMMENDED POSITION

Staff recommends the following position:

☑️ Watch Bill should be monitored by County Committee staff, but no action should be taken at this time.

☐ Approve The County Committee supports the bill’s concept, but will not actively work for passage.

☐ Support The County Committee actively supports the bill.

☐ Oppose The County Committee actively opposes the bill.

☐ Disapprove The County Committee disapproves of the bill’s concept, but will not actively oppose passage.
AMENDMENTS REQUIRED
If staff’s recommended position is based on the need for amendments to the bill language, suggested alternative language is attached.

CORRESPONDENCE REQUIRED
If staff’s recommended position is based on the need for correspondence to the bill’s author, the Governor or other governmental officials, a draft of suggested language is attached.

Please direct all comments to Daniel Villanueva, Secretary to the County Committee, at (562) 922-6144.
Summary of Los Angeles Unified School District Reorganization Proposals

July 2010

The following is a summary of school district reorganization proposals affecting the Los Angeles Unified School District (USD) that were at various stages in the school district organization process as of June 21, 2010.

PROPOSAL TO TRANSFER CERTAIN TERRITORY FROM THE COMPTON USD TO THE LOS ANGELES USD

On May 1, 2007, the Los Angeles County Office of Education received a request to review a draft petition proposing the transfer of certain territory from the Compton USD to the Los Angeles USD. The territory is the portion of the City of Carson that is currently part of the Compton USD. The request was submitted by Ms. Linda Mann, Senior Analyst in the Office of the City Manager, City of Carson. Staff reviewed issues pertaining to the petition with Ms. Mann and she said she will submit a finalized version for review in the near future. When a petition is submitted, staff will forward it to the Office of the Los Angeles County Counsel to review its sufficiency.

Status: Final petition submission pending.

Status Date: June 26, 2007

OTHER INQUIRIES REGARDING REORGANIZATION (within the last six months)

Formation Proposals/Last Activity Date

None

Transfer of Territory Proposals/Last Activity Date

None

* Indicates update from previous summary.
Summary of Los Angeles County School District Reorganization Proposals (excluding those affecting the Los Angeles Unified School District)

July 2010

The following is a summary of school district reorganization proposals (exclusive of those affecting the Los Angeles Unified School District [USD]) that were at various stages in the school district reorganization process as of June 21, 2010.

FORMATION—WISEBURN USD (CURRENTLY LIES WITHIN THE BOUNDARIES OF THE CENTINELA VALLEY UNION HIGH SD)

On May 16, 2001, the Los Angeles County Office of Education (LACOE) received a request from the Citizens for a Wiseburn Unified School District organization to prepare a petition (25 percent of the registered voters) proposing to form a Wiseburn USD from existing territory of the Wiseburn SD. The proposed formation territory currently lies within the boundaries of the Centinela Valley Union High SD. The petition was provided to the chief petitioners on June 20, 2001.

On November 9, 2001, the chief petitioners submitted a signed petition to the Los Angeles County Superintendent of Schools (County Superintendent) to determine if the petition was sufficient and signed as required by law pursuant to Education Code (EC) §35700(a). In accordance with EC §35704, the County Superintendent found the petition to be sufficient and signed as required by law on December 4, 2001. On December 5, 2001, the petition was presented to the Los Angeles County Committee on School District Organization (County Committee) at its regular meeting and transmitted to the State Board of Education (SBE). Pursuant to EC §35705, a public hearing was conducted within the Wiseburn SD and Centinela Valley Union High SD on January 23, 2002, at Richard Henry Dana Middle School in the Wiseburn SD.

At its regular meeting on March 6, 2002, the County Committee was presented with a preliminary feasibility report concerning this proposal. The final feasibility report was presented to the County Committee at its regular meeting on May 1, 2002. At that meeting, the County Committee recommended approval and took action to recommend approval of the proposal to the SBE to form a Wiseburn USD from the existing boundaries of the Wiseburn SD within the Centinela Valley Union High SD. The County Committee further recommended that the election area be the entire Centinela Valley Union High SD.

The County Committee’s plans and recommendations were transmitted to the SBE and the California Department of Education (CDE) on June 18, 2002. On June 19, 2003, the CDE requested additional statistical information from the impacted districts and notified LACOE staff that the petition would be heard in November 2003.

On September 2, 2003, the CDE notified LACOE that the petition hearing before the SBE would be delayed until January 7-8, 2004. The CDE cited budget constraints and staff cutbacks as reasons for the

* Indicates update from previous summary.
hearing delay. On December 1, 2003, the CDE notified LACOE of a second delay for the petition hearing before the SBE, postponing it until March 10-11, 2004. The CDE cited current state fiscal circumstances as the reason for the further delay. On January 21, 2004, the CDE notified LACOE of a third delay for the petition hearing before the SBE, postponing it until May 12-13, 2004. On April 16, 2004, the CDE notified LACOE that the petition hearing would be held on May 13, 2004.

On April 27, 2004, LACOE received a copy of the CDE’s final feasibility study. On April 29, 2004, LACOE received notice from the CDE that the petition hearing had been delayed indefinitely at the request of the Wiseburn SD. Subsequently, the Wiseburn SD requested that the SBE hear the petition, along with its request for two waivers. A hearing was scheduled for July 7, 2004. On July 7, 2004, staff was notified by the CDE that Centinela Valley Union High SD requested a delay in review by the SBE. Wiseburn SD agreed to withdraw its petition for consideration before the SBE to accommodate additional review requested by Centinela Valley Union High SD. Subsequent to granting this delay, legal counsel to Wiseburn SD and Centinela Valley Union High SD presented additional information (at the CDE’s request) regarding the legality of Wiseburn SD residents maintaining responsibility to pay Centinela Valley Union High SD tax obligations following any unification of a Wiseburn USD.

On August 31, 2004, staff received notice that Ms. Karen Steentoft, Chief Counsel for the SBE, recommended that certain waivers submitted with the Wiseburn USD petition could be determined by the SBE at the time of the hearing. Subsequently, the CDE rescheduled the petition to be heard before the SBE on September 9, 2004.

On September 9, 2004, staff attended the SBE hearing. CDE staff recommended that the SBE adopt the proposal approving the petition to form a Wiseburn USD and to set the election area as the area of the Wiseburn SD only on the condition that the property owners within the Wiseburn SD retain current levels of responsibility for repayment of existing bonded indebtedness of the Centinela Valley Union High SD upon successful formation of a Wiseburn USD. The SBE voted unanimously to approve the proposal and established that territory within the Wiseburn SD be the area of election. Statutory requirements provide that, following approval by the SBE, an election shall be called on the next available regular election date (March 8, 2005) in the territory determined by the SBE.

On October 19, 2004, at the direction of the SBE, the County Superintendent forwarded an order for special election to the Los Angeles County Registrar-Recorder/County Clerk’s (Registrar-Recorder) office, to be held in conjunction with the March 8, 2005, regular election. A ballot measure to approve or disapprove the formation of a Wiseburn USD and to elect a governing board will be placed before the electorate. The election will be held within the boundaries of the proposed Wiseburn USD. Should the electorate approve the proposal, the new district could become effective July 1, 2006.

On November 1, 2004, staff received a copy of a lawsuit filed by the Centinela Valley Union High SD against the SBE, seeking to vacate approval of Wiseburn SD’s petition to unify based on lack of compliance with the California Environmental Quality Act (CEQA) regulations. On November 18, 2004, staff received a copy of a second lawsuit filed in this matter, citing flaws in the legality of the SBE’s decisions and naming additional parties, including the County Committee as defendants. The Centinela Valley Union High SD, Wiseburn SD, and SBE began negotiations to delay the election in order to revisit the issues underlying the petition and subsequent lawsuits. The SBE requested that the County Superintendent delay the election to allow for this negotiation process to run its course. Staff consulted

* Indicates update from previous summary.
with the Office of the Los Angeles County Counsel (County Counsel) and was advised that neither the County Superintendent nor the SBE could order a delay of the election.

On Friday, December 10, 2004, in the case of Centinela Valley Union High SD (Petitioners) vs. the SBE, the Los Angeles Superior Court issued a preliminary injunction barring the conduct of the election regarding the formation of the Wiseburn USD on March 8, 2005. The Petitioners also contacted the court and requested that the Motion for Preliminary Injunction (Injunction) scheduled for December 13, 2004, vs. the County Committee and County Superintendent, be taken off the calendar. The Petitioners will consult with the court’s clerk to re-schedule. This was done because the Petitioners received the Injunction that day. A hearing on the motion was scheduled for March 30, 2005. Staff received notice from County Counsel that both the County Committee and the County Superintendent were dropped as parties to the lawsuit in which they were named.

On January 6, 2005, County Counsel met with the County Committee in closed session to discuss the lawsuit. Later at the same meeting, Dr. Don Brann, then Superintendent of Wiseburn SD, appeared before the County Committee to inform them that the SBE would withdraw its approval of the petition, pending a negotiation with petitioners and attorneys for Centinela Valley Union High SD. On January 13, 2005, the CDE withdrew its approval of the Wiseburn USD petition and its request that an election be ordered. Staff at the CDE have informed us that they intend to redo the review process related to CEQA and to return the petition to the SBE for action (not to the County Committee).

On March 13, 2007, the California Department of General Services issued a Notice of Preparation of an Environmental Impact Report (EIR), under CEQA. The CDE held a CEQA scoping hearing on March 28, 2007, within the Wiseburn SD. Staff attended this meeting. A comment period was set by the SBE for March 13, 2007, to April 12, 2007. On April 24, 2007, staff was notified by the SBE that the CEQA comment period had been extended to May 15, 2007, due to a request made at the scoping hearing.

On July 7, 2008, staff received a copy of the draft EIR from Terry A. Hayes Associates LLC, on behalf of the CDE. A comment period for the draft EIR was opened from July 7, 2008, to August 21, 2008. A public hearing was held on July 22, 2008. Staff will keep the County Committee apprised of any additional developments.

On April 15, 2009, staff provided follow-up information to the CDE regarding the financial status of the Centinela Valley Union High SD.

On October 22, 2009, the CDE notified LACOE that the petition hearing before the SBE would not be heard until January 7-8, 2010. On December 8, 2009, the CDE notified LACOE that the petition hearing before the SBE would not be heard until March 11, 2010. On January 6, 2010, the CDE notified LACOE that the petition would not be heard until July 2010.

On March 25, 2010, the CDE notified LACOE that the petition would be heard at the May 12-13, 2010, meeting of the SBE. On April 30, 2010, the CDE issued its feasibility study of the Wiseburn unification petition. On May 3, 2010, the Wiseburn SD requested that the SBE remove the item from the May 2010 agenda. Presently, there is no date set for this petition to be reviewed by the SBE.

Status: Petition on hold.

* Indicates update from previous summary.
PROPOSED INCREASE IN THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN, THE ESTABLISHMENT OF TRUSTEE AREAS, AND THE REQUIREMENT OF TRUSTEE AREA VOTING WITHIN THE MOUNT SAN ANTONIO COMMUNITY COLLEGE DISTRICT (CCD)

On February 26, 2010, LACOE received a request for a petition pursuant to EC §5019(a) and (c) to increase the number of trustees from five to seven, to establish trustee areas, and to require trustee area voting, within the Mount San Antonio CCD. The request was submitted by chief petitioner Mr. John Mendoza. The petition was forwarded to County Counsel to determine its legal compliance regarding format and content. On March 12, 2010, County Counsel notified staff that the petition was sufficient. On March 12, 2010, the petition was forwarded to the chief petitioner for circulation.

Please note that this is a new, additional petition, separate from other petitions requested by Mr. Mendoza, although it requests the same changes within the Mount San Antonio CCD (the addition of two governing board members and the creation of trustee areas with trustee area voting).

Status: Petition in circulation.

Status Date: April 19, 2010

PROPOSED INCREASE IN THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN AND THE ESTABLISHMENT OF TRUSTEE AREAS WITHIN THE POMONA USD

On July 13, 2009, LACOE received a request for a petition pursuant to EC §5019 to increase the number of trustees from five to seven and to establish trustee areas within the Pomona USD. The request was submitted by chief petitioner Mr. Mendoza. The petition was forwarded to County Counsel to determine its legal compliance regarding format and content. On August 7, 2009, County Counsel deemed the petition sufficient. Staff returned the petition to the chief petitioner on August 11, 2009, for circulation.

Please note that this is a separate petition, distinct from the other petitions requested by Mr. Mendoza, and requests some of the same changes within the Pomona USD (the addition of two governing board members and the creation of trustee areas). It was submitted under EC §5019(c) and requires valid signatures from 500 registered voters within the petition area. If valid and certified by the County Committee, this petition would trigger a reference report and ultimately a vote by the County Committee.

Status: Petition in circulation.

Status Date: August 20, 2009

* Indicates update from previous summary.
PROPOSED INCREASE IN THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN AND THE
ESTABLISHMENT OF TRUSTEE AREAS WITHIN THE POMONA USD

On July 13, 2009, LACOE received a request for a petition pursuant to EC §5019 and §5020 to increase
the number of trustees from five to seven and to establish trustee areas within the Pomona USD. The
request was submitted by chief petitioner Mr. Mendoza. The petition was forwarded to County Counsel
to determine its legal compliance regarding format and content. On August 7, 2009, County Counsel
deemed the petition sufficient. Staff returned the petition to the chief petitioner on August 11, 2009, for
circulation.
Please note that this is a separate petition, distinct from the other petitions requested by Mr. Mendoza, and
requests some of the same changes within the Pomona USD (the addition of two governing board
members and the creation of trustee areas). It was submitted under EC §5019 and §5020 and requires
valid signatures from ten percent of the registered voters within the petition area (approximately 7,000
signatures in the case of the Pomona USD). If valid and certified by the County Committee, this petition
would trigger a ballot initiative (as opposed to a reference report and vote by the County Committee).

Status: Petition in circulation.
Status Date: August 20, 2009

FORMATION—MALIBU USD (CURRENTLY LIES WITHIN THE BOUNDARIES OF THE
SANTA MONICA-MALIBU USD)

Status: Petition currently in circulation.
Status Date: February 21, 2008

FORMATION—ALTADENA USD (CURRENTLY LIES WITHIN THE BOUNDARIES OF THE
PASADENA USD)

Status: Petition in circulation.
Status Date: May 11, 2007

FORMATION—LA MIRADA USD (CURRENTLY LIES WITHIN THE BOUNDARIES OF THE
NORWALK – LA MIRADA USD)

Status: Petition in circulation.
Status Date: March 20, 2007

PROPOSED INCREASE IN THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN, THE
ESTABLISHMENT OF TRUSTEE AREAS, AND THE REQUIREMENT OF TRUSTEE AREA
VOTING WITHIN THE MOUNT SAN ANTONIO CCD

Status: Petition in circulation.

* Indicates update from previous summary.
Status Date: January 17, 2007

PROPOSED INCREASE IN THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN WITHIN THE POMONA USD, RETAINING THE AT-LARGE VOTING METHOD

Status: Petition in circulation.

Status Date: January 17, 2007

PROPOSED INCREASE IN THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN, THE ESTABLISHMENT OF TRUSTEE AREAS, AND THE REQUIREMENT OF TRUSTEE AREA VOTING WITHIN THE MOUNT SAN ANTONIO CCD

Status: Petition in circulation.

Status Date: October 2, 2006

PROPOSED INCREASE IN THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN AND THE ESTABLISHMENT OF TRUSTEE AREAS WITHIN THE POMONA USD

Status: Petition in circulation.

Status Date: April 11, 2006

PROPOSED INCREASE IN THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN, THE ESTABLISHMENT OF TRUSTEE AREAS, AND THE REQUIREMENT OF TRUSTEE AREA VOTING WITHIN THE MOUNT SAN ANTONIO CCD

Status: Petition in circulation.

Status Date: April 11, 2006

FORMATION—ALTADENA USD (CURRENTLY LIES WITHIN THE BOUNDARIES OF THE PASADENA USD)

Status: Petition in circulation.

Status Date: March 21, 2006

PROPOSED INCREASE IN THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN WITHIN THE MOUNT SAN ANTONIO CCD

Status: Petition in circulation.

Status Date: July 21, 2003

* Indicates update from previous summary.
Summary of Los Angeles County School District Reorganization Proposals
(excluding those affecting the Los Angeles Unified School District)
July 2010
Page 7

PROPOSED INCREASE IN THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN WITHIN
THE POMONA USD

Status: Petition in circulation.
Status Date: June 16, 2003

PROPOSAL TO INCREASE THE NUMBER OF TRUSTEES FROM FIVE TO SEVEN, TO
ESTABLISH TRUSTEE AREAS, AND TO REQUIRE THAT EACH GOVERNING BOARD
MEMBER RESIDE IN AND BE ELECTED BY THE REGISTERED VOTERS OF EACH
PARTICULAR TRUSTEE AREA WITHIN THE MOUNT SAN ANTONIO CCD

Status: Petition in circulation.
Status Date: August 20, 2001

OTHER INQUIRIES REGARDING REORGANIZATION (within the last six months)

Unification Proposals/Last Activity Date
• None

Transfer of Territory Proposals/Last Activity Date
• Pasadena USD—San Marino USD (December 2009)

Formation Proposals/Last Activity Date
• None

Trustee Areas and Governing Board Size/Last Activity Date
• None

* Indicates update from previous summary.