May 20, 2009

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

FROM: Daniel G. Villanueva, Secretary
County Committee

SUBJECT: Regular Meeting of the County Committee-
Wednesday, June 2, 2010

The next regular meeting of the County Committee will be held at 9:30 a.m. on Wednesday, June 2, 2010, in the Board Room of the Los Angeles County Office of Education, located at 9300 Imperial Highway in Downey. Reserved parking spaces will be available on the east side of the building just south of the main entrance.

Attached is the agenda for the meeting of June 2, 2010.

If you have any questions, please call me at (562) 922-6144.

DGV/MS:mb
Attachments
AGENDA

LOS ANGELES COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
(COUNTY COMMITTEE)

Regular Meeting

Los Angeles County Office of Education
Board Room
June 2, 2010
9:30 a.m.

I. CALL TO ORDER—Chairperson Mr. Owen Griffith

II. FLAG SALUTE—Mr. Griffith

III. APPROVAL OF MINUTES

The minutes of the regular meeting of the County Committee, held on January 6, 2010, will be submitted for approval.

IV. COMMUNICATIONS—Secretary Mr. Danny Villanueva

Correspondence

- A May 4, 2010, copy of an e-mail message with an attached letter from the Wiseburn School District (SD) to the California Department of Education (CDE), requesting the removal of agenda item #25 from the State Board of Education’s (SBE) meeting to be held on May 7, 2010, concerning the proposed formation of a Wiseburn Unified SD (USD). (Attachment 1)

- A May 4, 2010, copy of an e-mail from Mr. Larry Shirey, CDE, responding to correspondence received from Wiseburn SD concerning the request to remove agenda item #24 and #25 regarding the proposed formation of a Wiseburn USD. (Attachment 2)

Informational Correspondence

- A May 2010 Agenda from the SBE concerning the proposed formation of a Wiseburn USD from Wiseburn Elementary SD and a portion of the Centinela Valley Union High SD in Los Angeles County. (Attachment 3)

- April 29, 2010, Local Agency Formation Commission Notice to Interested Agencies concerning the following annexations (Attachments 4):
  - Annexation No. 286 to County Sanitation District No. 15;
  - Annexation No. 322 to County Sanitation District No. 14;
• Annexation No. 360 to County Sanitation District No. 14;
• Annexation No. 366 to County Sanitation District No. 14;
• Annexation No. 386 to County Sanitation District No. 22;
• Annexation No. 387 to County Sanitation District No. 22; and
• Annexation No. 391 to County Sanitation District No. 22.

V. PRESENTATIONS FROM THE PUBLIC

Any persons present desiring to address the County Committee on any proper matter may do so at this time. (Form must be completed and submitted to the Secretary.)

VI. REVIEW OF PROPOSED LEGISLATION

The Secretary will provide the County Committee with an overview of proposed legislation related to school district organization. The County Committee may take action to support or oppose the legislation or provide comments to the authors.

VI. UPDATE ON LOS ANGELES USD REORGANIZATION PROPOSALS

The Secretary will provide the County Committee with an update on school district reorganization proposals affecting the Los Angeles USD.

(Attachment: “Summary of Los Angeles Unified School District Reorganization Proposals”)

VII. UPDATE ON LOS ANGELES COUNTY SD REORGANIZATION PROPOSALS EXCLUDING THOSE AFFECTING THE LOS ANGELES USD

The Secretary will provide the County Committee with an update on school district reorganization proposals affecting Los Angeles County school districts other than the Los Angeles USD.

(Attachment: “Summary of Los Angeles County School District Reorganization Proposals [excluding those affecting the Los Angeles Unified School District]”)

VIII. STUDY SESSION ON THE ESTABLISHMENT AND FORMATION OF TRUSTEE AREAS

Staff will provide the County Committee with an overview of the process to establish and form trustee areas and voting method options. A list of Los Angeles County school districts with and without trustee areas will be provided to the County Committee.
IX. DISCUSSION OF EDUCATION CODE §5019-§5033

The County Committee will discuss the options available to study, establish, and form trustee areas as outlined in the Education Code, and will provide staff with direction as to how to proceed.

X. ADDITIONAL COMMUNICATIONS, CONCERNS, OR ITEMS FOR NEXT AGENDA

XI. ADJOURNMENT
The Los Angeles County Committee on School District Organization (County Committee) met on Wednesday, June 2, 2010, at the Los Angeles County Office of Education (LACOE) in Downey. The meeting was called to order at 9:36 a.m. by Chairperson Mr. Owen Griffith, who called on Ms. Joan Jakubowski to lead the flag salute.

**Members Present**

Frank Bostrom  
Lloyd de Llamas  
Owen Griffith  
Joan Jakubowski  
Maurice Kunkel  
John Nunez  
AJ Willmer

**Members Absent**

Maria Calix  
Frank Ogaz  
Suzan Solomon

**Staff Present**

Danny Villanueva, Secretary  
Matt Spies, Staff  
Allison Deegan, Staff  
Mary Bracamontes, Recording Secretary  
Silvia Alva, Recording Secretary

It was **MOVED** by Mr. Bostrom and **SECONDED** by Mr. Willmer that the minutes of the regular meeting held on January 6, 2010, be approved. The motion **CARRIED** unanimously.

Mr. Villanueva reviewed and discussed correspondence contained in the County Committee agenda packets and member folders. He stated that documents concerning trustee areas would be further discussed during the study session of agenda item IX by Mr. Ken Shelton, Assistant Superintendent, Business Services, and Mr. Mel Iizuka, Director, Division of Business Advisory Services.

There were no members of the public to address the County Committee.

Mr. Villanueva provided an overview of proposed legislation related to school district organization.
Mr. Villanueva stated that there were no updates on Los Angeles Unified School District (USD) reorganization proposals.

Mr. Villanueva provided an update on school district reorganization proposals excluding those affecting the Los Angeles USD. He stated that the only update was concerning the Wiseburn unification proposal and the districts request to the State Board of Education to have the agenda item removed from the agenda.

Mr. Villanueva provided an overview of the process to establish and form trustee areas and voting method options. He stated that there is activity affecting school districts, hospital districts, library districts, etc. that call into question the voting methodology of electing board members and if they are in compliance with the California Voting Rights Act (CVRA) which was amended in 2000. The issue being whether the at-large method versus the trustee area method or ward method is representative and it allows the process for people to be represented in areas within the district. Mr. Villanueva stated that recently, school districts have come under the microscope and the issue is now before the Los Angeles County Office of Education (LACOE). He then called on Mr. Shelton to further discuss the issue and how it affects LACOE school districts. Mr. Villanueva commented that Mr. Shelton had been having discussions throughout the state with other county offices and agencies regarding this issue and that he would walk through the roles of LACOE and the County Committee.

Mr. Shelton stated that there were several issues at hand that involved several steps in the legal process within the State of California. He commented that lawsuits and actions have been filed in various school districts and other special districts in the state alleging violation of the CVRA. Mr. Shelton continued that attorneys representing the plaintiffs on this have made it clear that they believe the interpretation of the CVRA is being violated by most or all at-large elections. He stated that the packets provided in the folders of the County Committee included several articles that chronicle the history of legal actions that have been taken. Mr. Shelton commented that the issue for LACOE is that the code, which staff will review, is a permissive code that allows the County Committee to take action to address issues of trustee areas and the election process. He went on to say that because of the County Committee’s permissive ability to address this, there is action in at least one county office of education where they are co-defendants in the claims and are facing potential liability because of that; and they are in the midst of litigation and are seeking a summary judgment and expect a resolution some time this month. Mr. Shelton went on to say that because of the permissive nature of the code, plaintiffs in the school district actions are saying that the County Committees are also liable for not addressing perceived changes.
Mr. Shelton referred the County Committee to a list of all Los Angeles County school and community college districts that have at-large or the highbred at-large voting even within districts that seem to run contrary to the legal interpretations of the CVRA. He went on to say that there are a number of issues that cross the lines into the legal and potential litigation, and recommended that the next County Committee meeting include a closed session agenda item to have LACOE’s General Counsel meet with the committee on specifics related to potential actions in Los Angeles County. Mr. Shelton asked that the County Committee begin to consider exploring actions by the County Committee to intervene in those districts that have the most situations to address them formally in the need for change. He commented that some of the options explored have been for district boards to adopt resolutions to move at the next available election period to having districts for representation and elections in those districts, and that seems to have mollified some of the legal challenges but does not fully indemnify those districts. He continued stating that there are a variety of options that the County Committee can take or can advise, and that can be communicated to districts. Mr. Shelton referenced a copy of an e-mail correspondence sent to Los Angeles County school districts and possibly to community college districts, by Dr. Darlene Robles, LACOE Superintendent, alerting them of the issue regarding the CVRA and the serious concerns of the issue and the substantial legal fees involved. Mr. Shelton then asked for questions from the County Committee members.

Mr. de Llamas asked for clarification concerning the suits going on and if there is a court case settlement confirming a violation.

Mr. Shelton responded that there is a hospital district going to trial this month challenging the violation and school districts that have chosen to settle based on attorney analysis and in consultation and move towards district representation because they believe they would be on the losing end of the case.

Mr. de Llamas asked if anyone had gone after legislation or some sort of consolidated case to settle the issue one way or the other?

Mr. Shelton responded that some of the articles provided to the members, mentions some of the attorneys who were involved with the original legislation and who are looking to file their claims. The hospital district that is going to trial believes that they acted in good faith but there are several districts that have chosen to settle the case but it did not absolve the county office or the county committee from liability, and that is where they are looking for some type of judgment. Mr. Shelton stated that additional information should be available at the next County Committee meeting.

Mr. de Llamas asked if the cases were seeking monetary damages or just seeking changes?
Mr. Shelton responded that the cases are seeking changes but the monetary damages are in the $2 million of attorneys’ fees in the one case mentioned in the articles. He went on to say that for each case whatever the attorney fees associated with the case, the law firm is seeking the attorney fees so there is monetary implication for the cases.

Mr. de Llamas asked if the districts have gotten together to go to the legislature to address the issue?

Mr. Shelton responded that there was a bill that was authored to limit some of the financial liability but has since been withdrawn from pressure from the outside so it has not moved forward in this legislative cycle.

Mr. de Llamas commented that at this point every district is on their own and scrambling to just cover themselves.

Mr. Shelton referenced the articles in the packets stating that there is multiple journalistic input on the issue depending on the newspaper. He stated that from his perspective, to at least explore the options and the cost of the study from a County Committee perspective at least starts moving down a pathway for guidance to school districts that they can either accept or not accept. Mr. Shelton continued that certainly there is a level of authority that the County Committee does have, but at this time he does not suggest that they consider nor act on now but to at least explore more formally the options and to have a better sense of what the liabilities are in Los Angeles County. In his opinion it would provide some level of risk management for the County Committee and for LACOE.

Mr. de Llamas asked if County Counsel would be present at the next County Committee meeting to explain this to them?

Mr. Shelton responded that it would not be County Counsel but LACOE’s General Counsel. He stated that he had a discussion with General Counsel under the title of potential litigation and that specifics of what the more egregious situations that exist in Los Angeles County, and that the discussion not be held in public session at this time.

Mr. Nunez asked if there had been any review of size or square mileage of districts?

Mr. Shelton responded that in his discussions with his counterparts or other agencies, size of district is not an issue.

Mr. Nunez asked if those who initiated the lawsuits would consider size of districts?
Mr. Shelton responded that he did not think so because they are looking if there is a disenfranchisement with the lawsuits they have pursued. He continued that the size issue has come up in discussions held but in other parts of the state there are similar situations where either the square miles or the sparsity of the population with a high number of miles in between. Another factor mentioned in the articles is the competency of board members representing particular areas. Mr. Shelton indicated that ultimately, clarification will come through court cases but even without that, risk management is a major factor in his opinion.

Mr. Nunez asked if the County Committee is being forced into consolidating a lot of districts and is that the intent?

Mr. Shelton responded that he did not believe so and that question has been discussed before but it is not directly related to these legal actions.

Ms. Jakubowski asked that in the school districts of boards looking to do resolutions to establish areas, what guidelines are they using to establish these areas or is each district coming up with their own method?

Mr. Shelton responded that he did not have an answer at this time but an answer would be available at the next meeting.

Mr. Willmer asked who is the Lawyers Committee for Civil Rights (Lawyers Committee)?

Mr. Shelton called on Mr. Villanueva to respond to Mr. Willmer's question.

Mr. Villanueva explained that the Lawyers Committee was started by President Kennedy to enforce the voting rights act and to look into voting rights violations, and they actively work in every state.

Mr. Willmer asked if the Lawyers Committee was actually taking on these cases?

Mr. Shelton responded that he did not think so and that they were a law firm from San Francisco where most of the cases were located in the Central Valley area.

Mr. Willmer asked if there was any activity in Los Angeles County?

Mr. Shelton responded that not at this point but based on one of the articles there is a level of activity in San Diego.

Mr. Willmer inquired whether the cases that have been settled, have agreed to go to district representation?

Mr. Shelton’s response was yes as far as he understood but reiterated that agreeing to settle does not answer the liability question.
Mr. Villanueva provided additional information concerning the law firm taking the lead in the lawsuits, and indicated that the senior partner sits on the Board of Directors for the Lawyers Committee. He also stated that part of the agreement requires that the law firm in the Lawyers Committee be involved in drawing up the trustee areas and getting approval. He continued stating that whereas those districts being proactive and doing it on their own through resolutions do not have to involve the Lawyers Committee.

Mr. Bostrom asked how does this apply to bond committees which are also appointed by districts but are also elected by districts depending upon the structure?

Mr. Shelton responded that there are exclusions to charter city, charter counties, and charter city/county combinations so there are some explicit exclusions. He believes that this is narrowly defined for legal jurisdictional sitting bodies and it would be a permanently sitting body where a bond committee would be just for the life of the bond and it has not been expanded.

Mr. Villanueva commented that for bond oversight committees the Education Code already specifies specific roles for that committee so to have different representation on that bond oversight committee is not spelled out in the code.

Mr. Bostrom commented that some are elected and some are appointed.

Mr. Villanueva responded that for bond oversight committees they are all appointed by the board of education and serve no more than two-year terms and have to be representative of the Parent Teachers Association, parents, students, community leaders, and those involved with the tax of the local community.

Mr. Bostrom asked if a school board appoints a committee, then do they have to get into the issue of representation?

Mr. Villanueva responded that for bond oversight committees there are five defined roles that have to be satisfied in order to have a bond oversight committee.

Mr. Shelton commented that the issues being identified in the voting rights act do not affect those committees.

Mr. Bostrom asked for clarification concerning charter cities and general law cities and their situations.

Mr. Shelton responded that there are exclusions indicated in correspondence/articles in the packets.
Mr. Bostrom inquired about the City of Los Angeles as a charter city and how the Los Angeles USD goes beyond the boundaries of the city charter.

Mr. Shelton responded that the Los Angeles USD settled their own lawsuit that required area representation and voting within those areas only, so they are in compliance with the CVRA.

Mr. Bostrom inquired about legislation that has been sponsored and withdrawn.

Mr. Shelton responded that information concerning the specific bill would be made available at the next meeting.

Mr. Villanueva responded that the bill was Assembly Bill (AB) 2330 and stated that there was a copy of the bill in the member folders.

Mr. Bostrom stated that the understanding was that the lawsuits were being handled at the Superior Court level and not the Appellate Court level, was this correct?

Mr. Shelton responded that it was correct and that the issue was relatively early in its legal life cycle.

Mr. Bostrom asked if it would be prudent for the County Committee to sponsor some type of legislation as they review other issues concerning compliance with the CVRA?

Mr. Shelton responded that some type of legislation could be reviewed for sponsoring but he was not sure what direction it would go in the sense that the legislation attempted not to change any of the aspects of the CVRA but to limit the financial liability for the various agencies such as the County Committee. He continued to state that this issue has become an emotional area for individuals who felt they have been disenfranchised by the law and because of the emotionality of this, it was hard to see where the sponsored legislation would go and what the legislation would be. Mr. Shelton stated that his personal interpretation is that type of pressure is what lead to the withdrawal of AB 2330.

Mr. Bostrom commented that it seems that when you look towards criminal intent or an intent to defraud, its hard when your charter says this is the way we do it when your school was created then several years later your liable monetarily.

Mr. Shelton responded that this issue is not a criminal issue but a civil issue and the intent was whether or not various minority groups were being disenfranchised and that was the motivation behind the CVRA.

Mr. Bostrom inquired as to why LACOE’s Counsel instead of Los Angeles County Counsel would be used in the matter?
Mr. Shelton responded that staff would review this and at this time he did not feel that either counsel would be needed. He stated that through correspondence, a policy or legal interpretation of this would be provided to the County Committee.

Mr. Bostrom stated that his concerns were based on the Los Angeles County Counsel being new as a representative to the County Committee and this would give them an opportunity to get familiar with issues concerning school district organization. He suggested that the County Committee continue to look into the legislative option as a concurrent part of the process.

Mr. de Llamas asked if these were federal penalties?

Mr. Shelton responded that they were state but actually, they were not penalties but attorney fees.

Mr. de Llamas inquired as to the enormity of this issue and the large number of districts involved, why there is not a broader coalition of them getting together to try and solve this or even the State Board of Education to come up with standards, and why is each district dealing with this on their own?

Mr. Shelton could not respond to Mr. de Llamas' questions.

Mr. Bostrom asked what the County Committee could do to take a more proactive leadership in the issue?

Mr. Shelton suggested that a more detailed discussion could happen at the next County Committee meeting with either LACOE’s Counsel or Los Angeles County Counsel under closed session because of the level of detail and the egregious situations.

Mr. Willmer asked for clarification of the CVRA and whether it is to protect a particular class, and is it just racial or other protected classes?

Mr. Shelton responded that at this point in time it appears to be racial/ethnicity but an analysis would be done.

Mr. Willmer asked if there were civil rights cases where protected classes are more economic?

Mr. Shelton responded no there are not as far as he is aware of.

Mr. Nunez asked whether the timeline of the census would be an issue?

Mr. Shelton responded that it is just a matter of time that the census will be a factor in the issue.

Mr. Nunez asked if the community college districts would be affected the most by this?
Mr. Shelton responded that at this time he did not know what the impact would be on community college districts but felt that the impact would greatly affect all districts.

Mr. Nunez asked if cities would be affected next?

Mr. Shelton responded that he did not know and he could not speak as to the strategy of the law firm.

Mr. de Llamas commented that cities have been targeted and some have incurred huge expenses like the City of Rosemead.

Mr. Nunez responded that the City of Rosemead’s violations of the CVRA were due to information available to voters.

Mr. Shelton introduced Mr. Frank Kwan, Director of Communications to address the County Committee.

Mr. Kwan stated that the Communications staff has worked with the County Committee in the past and he will be assigning a staff individual to again work with the County Committee in terms as to how this issue will evolve and in terms as to how the County Committee will establish guidelines and recommendations because of the sensitivity of the issue.

Mr. Willmer suggested that the County Committee be aware of pronouncements on the issue and perhaps refer them to the chair and/or staff until there is a better understanding of the issue.

Mr. Kwan agreed and stated that Communications would work with the County Committee to develop a message to be consistent and that it falls within the legal guidelines.

Mr. Shelton suggested that the County Committee forward any additional questions to Mr. Griffith and/or Mr. Villanueva in order to have responses at the next meeting. He continued stating that the questions will be reviewed to see if they are legal or policy related questions.

Mr. de Llamas asked that the material that will be provided for the next meeting be sent to the members prior to in order to be more productive.

Mr. Shelton responded that the material would be made available to the members prior to the next meeting except for any legal analysis material.

Mr. Villanueva stated that a copy of the flowchart to establish trustee areas as specified in the Education Code was included in the member folders and suggested that the chart be reviewed and if there were any questions, to please contact him. He continued that the County Committee keep in mind that they have the discretion, per EC § 35720, to develop plans and recommendations for any school district organization issue within the county.
Secondly, the process to establish trustee areas whether it be at the direction of a school board, community member, or the County Committee has been spelled out in the code. Mr. Villanueva stated that concerning the census, there was a list ten years ago where information was sent to the 11 school districts affected by it; and that the Education Code and the Government Code speaks to population as certified by the Department of Finance and does not touch upon ethnic/racial distribution so staff worked with the districts on this.

Mr. Bostrom asked for a list of at-risk districts and what the process is to inform these districts about the issue?

Mr. Shelton responded that his reference to the closed session for the next meeting under potential litigation, was because of districts that are more vulnerable than others, then the potential of litigation against the district and the County Committee would be a reason for closed session.

Mr. Nunez suggested that staff not make prejudgments on issues and that decisions and/or recommendations be made by the County Committee not by staff.

Mr. Shelton responded that he understood what Mr. Nunez was asking but at this time, he would suggest that the County Committee ask any relevant questions of counsel and staff under closed session before anything is made public on this issue.

Mr. Bostrom asked what the timeframe is and will the County Committee be meeting monthly or bi-monthly?

Mr. Villanueva responded that at this point in time the County Committee will be meeting monthly and requested information will be made available at the July meeting and counsel will be in attendance. He stated that the activities of that meeting will determine what future meetings will be held.

Mr. Shelton stated that the County Superintendent has already alerted the Los Angeles County school districts about the issue but he would confirm whether the community college districts were a part of that alert.

Ms. Jakubowski asked when the school districts had been alerted or notified?

Mr. Shelton responded that the County CBOs were notified in January and again in May, and the superintendents were notified in May.

Ms. Jakubowski asked that based on the discussions held at the meeting, is it possible for Communications to send out something advising the superintendents that the issue is under study and if any of them receive information, that before they respond they should contact LACOE.
Mr. Shelton responded that the superintendents were notified both in January and again in May, but he will discuss the matter with Mr. Kwan to see what to do about correspondence dealing with this issue.

Mr. Griffith called on Mr. Villanueva for final comments.

Mr. Villanueva reiterated that the County Committee will meet in July and any questions will be forwarded to staff.

Mr. Bostrom asked that since some of the questions had already been asked at the meeting, that a list of those questions be made available to the County Committee members to add questions to the list.

Mr. Villanueva responded that this will be done.

It was **MOVED** by Mr. Nunez and **SECONDED** by Ms. Jakubowski that staff move forward and draft the list of questions/comments. The motion **CARRIED** unanimously.

This agenda item was made a part of agenda item IX. No further discussion was held concerning this item.

Ms. Jakubowski suggested that the Wiseburn proposal issue be placed on the next agenda to look at from a regional perspective.

The meeting was adjourned at 10:49 a.m.

:mb
LOS ANGELES COUNTY OFFICE OF EDUCATION (LACOE)
DIVISION OF BUSINESS ADVISORY SERVICES

LOS ANGELES COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
(COUNTY COMMITTEE)
LEGISLATIVE REVIEW-JUNE 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 petitioners’ 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.
BILL NUMBER/AUTHOR:  
Assembly Bill 2330/Arambula

INTRODUCTION DATE:  
02/19/10

LAST ACTIVITY/DATE:  
05/04/10: In committee: Set, first hearing. Hearing canceled at the request of author.

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:

[X] 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

June 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 May 14, 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.
Los Angeles County Committee on 
School District Organization 
c/o Los Angeles County Office of Education 
9300 Imperial Highway, Downey, CA 90242-2890

Summary of Los Angeles County School District Reorganization Proposals 
(excluding those affecting the Los Angeles Unified School District) 

June 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 May 14, 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 Steentofte, 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.
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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 review removed from the SBE’s May 2010 agenda.

* 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.
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.