Legal case for community activism on school boards stands as a paper win

Measure F would let Modesto City Schools elect by area

Elsewhere in the county, low interest leaves races empty

Splitting districts calls for a Phase 2: Raise interest in running

By Nan Austin  October 6, 2015

With the expected passage of Measure F, Modesto City Schools will gain the option of having by-area elections. Such splits are meant to increase community involvement, but none of this works if nobody steps up to run.

Across Stanislaus County, school boards have made the costly and complicated switch to align with the California Voting Rights Act and avoid the risk of a lawsuit. Even the filing of a lawsuit, lawyers advised, could cost the districts dearly and winning the case was not a possibility.

In theory, breaking large territories and densely populated areas into bite-size pieces should make it easier for neighborhoods to elect their own, and for folks outside the standard power networks to successfully campaign.

But Stanislaus County, with its 120 trustees on 25 elected school boards, puts theory to the test. Eight of the 51 school board seats up for election this year had no one sign up to run.

The utter lack of interest was more pronounced in by-area seats. No one filed for five of 28 by-area seats, compared with three empty slots among 23 at-large seats. Those seats will be filled by appointment by the existing board.

Stanislaus Union School District Area 3 has attracted no candidates in any election. It sat empty in the 2014 election cycle after the north Modesto district’s split in 2013-14. The seat was filled by appointment, but the appointee moved this year and it was set again for election in November.
No one filed. No one living in the area stepped up to be appointed, and it will remain vacant until the 2016 election cycle, according to an agenda report. The board will be asked at their Thursday meeting to consider redrawing the election boundaries, estimated to cost $20,000.

This is where the Voting Rights Act has failed. Because the sitting board now appoints and I’m not sure that’s better representation. Frank Lima, Turlock Unified board president

“This is where the Voting Rights Act has failed. Because the sitting board now appoints and I’m not sure that’s better representation,” said Turlock Unified board President Frank Lima last month in addressing Turlock’s new by-area seat when it had no filers for the November ballot.

“It sure puts a lot of power in the hands of the board,” he added.

Turlock Unified found itself in a pickle when no one in the area of its upcoming by-area vacancy would even apply to be appointed. Just as the board had called an emergency meeting Sept. 18 to extend its time to find someone, two applicants from its southern Area 7 stepped forward. It also had two applications for its Area 2 seat, vacant because the elected trustee moved.

Turlock is the second-largest district in the county, with seven trustees and about 14,000 students. In March, Chatom Union School District, with 660 students, finalized its split for by-area elections.

As of its last contested election in 2009, the Chatom district had 1,748 voters, which on average gives its five areas about 350 voters each. Fewer than 1 in 3 of those eligible voted in that 2009 contest, however, which means 57 votes would win a two-way contest.

There will not be any contest in Chatom, however. Two incumbents were the only filers for two seats up for election this year. That was the case for 68 percent of all Stanislaus County trustee seats up for grabs in November. One seat. One filer. Done deal.

Only 1 in 4, 25 percent, of voters cast ballots in the last Modesto City Schools election.

Out of 51 posts up for election, only eight at-large seats and four by-area seats will give voters a say in November.

Lack of interest and participation in school board elections is nothing new. In San Joaquin County, with mostly at-large districts, 41 percent of the school board seats up for election this year were held by appointed trustees.

But where there are so many small districts, as in Stanislaus County, splitting can be an even greater challenge. Taken to the extreme, if 89-student Knights Ferry Elementary School District split into areas for its five-member board, it would have about 70 voters in each area. In its last election in 2013, 46 percent of Knights Ferry voters did their civic duty, which if you do the math means it would take 17 voters – one large family
and its neighbors – to elect a trustee in a two-way contest. In a three-way run, they would not need the neighbors.

The issue of representation gets another question mark with the Stanislaus County penchant for in-district charter schools. In the Keyes Union School District, where two out of three seats up for election had no filers, fully one-third of its students come from outside its borders to attend its Keyes to Learning Charter. In Shiloh Elementary District, only 50 of its students live within its territory. The bulk of its student body – 90 children – lives elsewhere and attends Shiloh Charter School.

The switch to by-area elections, intended to improve representation for minority voters, was recommended to most Stanislaus County districts in a 2013 letter from the Latino Community Roundtable. Advocates said they hoped to spare schools here the expensive lesson suffered by others.

The city of Modesto was the first major case to test that interpretation of the California Voting Rights Act. The city paid a $3 million settlement in 2007 to close a lawsuit by the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area. Since then, the courts have consistently sided with requiring by-area elections.

Before the 2013 letter, only the county Board of Education, Oakdale Unified and Ceres Unified had area elections.

In November, Empire Union, Keyes Union, Oakdale Unified, Patterson Unified, Riverbank Unified, Stanislaus Union, Sylvan Union and Turlock Unified are selecting trustees by area – whether or not they had an election.

Modesto City Schools, the largest district in the region, could be seen as the most vulnerable to a Voting Rights Act lawsuit. Of its current board, one trustee lives in north Modesto and the remainder are clustered in central Modesto. None live in the heavily Latino western or southern neighborhoods where the majority of the district’s younger students live.

But having by-area elections for this dual-purpose district is complicated.

More the two-thirds, 68 percent, of Modesto City Elementary School District students are Latino, compared with a little more than half, 52 percent, of the sprawling Modesto City High School District.

Modesto City Elementary School District serves 15,000 students in central, south and western Modesto, while Modesto City High School District includes the Modesto elementary district plus seven more. Some 15,000 teens from Empire, Paradise, Hart-Ransom, Stanislaus Union, Sylvan, Shiloh and Salida elementary school districts attend Modesto high schools.

Modesto City Schools is two districts with a common administration, one of the few left in California. It is the larger high school area that would be subdivided into seven areas in a district split, which could potentially give a majority vote to rural areas with little Latino representation.
That perceived lack of voice matters when the board is prioritizing skills and experience sought in hiring
teachers, discussing how discipline and dress codes are crafted, or choosing between investing in more
computers for high schools or more after-school program slots in gang neighborhoods.

The split could potentially be drawn with large chunks of rural territory having tiny tails dipping into the
elementary urban core. That was Turlock’s choice, with all but one of its areas fanning out to the west from
Turlock proper.

Another possibility would carve areas so each includes a current trustee residence, which advocates in other
districts have interpreted as serving demonstrated voter preference.

However future splits go, the overall picture points to the next logical step for Latino and other community
advocates, getting more candidates ready to run.
Measure F asks for no new taxes or fees, only permission to change one sentence in the Modesto City Charter.

From: The members of the Board of Education shall be elected at large from the territory without the boundaries of the school district or districts which are under the jurisdiction of the Board.

To: The Board of Education shall select a method of election for its members, by resolution, including but not limited to trustee or at large, in accordance with Chapter 1, Part 4, Division1, Title 1 of the California Education Code, or any succeeding statute.

The sentence as it stands decrees that Modesto City Schools Board members be elected at large, meaning they represent the entire district and any voter within the district can run.

The legal phrasing proposed to replace it opens the door to electing by trustee area, seven areas of roughly equal population that would each elect their own representative, a voter who lives there.

Voters should know as they consider this measure, said Modesto City Schools attorney Roman Munoz, that the district will likely be sued if it fails.

In the last eight years, 119 school districts, 24 cities, one county, three county offices of education and two special districts have split into voting areas.

“If Measure F does not pass, there is a high percentage possibility it would be sued,” Munoz told attendees at a Latino Community Roundtable meeting Oct. 8.
LCR pushed for school districts to switch from at large to trustee area districts to align with the California Voting Rights Act and avoid expensive legal challenges.

The first such suit was against the city of Modesto, ending with the city paying a $3 million settlement in 2007 and splitting into districts. In May, the city of Palmdale agreed to pay a $4.5 million settlement, plus interest, and split into districts.

Losing is basically a given, Munoz and demographer Justin Levitt told the group.

“What they need to show is what is called racially polarized voting. Do (voters in one racial group) vote differently?” Levitt said. “I can tell you, for every jurisdiction you can find that to be the case.”

Measure F does not force the district to split or make any decisions about where it might split, it simply gives the school board the option to do so, Munoz added.
Greenfield wants a K-12 unified school district

Roberto M. Robledo, The Salinas Californian October 13, 2015

If it takes a village to raise a child, then that village also needs a high school to get the job done. That’s the goal of residents in the farming community of Greenfield who are petitioning to add Greenfield High School to their family of elementary and middle schools.

It’s a matter of respect and guaranteeing a seamless kindergarten-through-12th grade education for their children, said Leticia Martinez, a mother with two daughters at Greenfield High and one at Vista Verde Middle School.

“We want our kids to be recognized as Greenfield graduates from Greenfield,” said Martinez.

“As a parent and community member I want the best for our kids -- for them to be recognized as being from their hometown,” she said.

A petition for unification is nearly completed. Greenfield parents and educators plan to submit signatures from registered voters they’ve collected to Monterey County school officials on Thursday.

The Greenfield district website describes the unification effort this way: "The petitioners want to unify to provide Greenfield Community children with a superior educational experience from pre-school through 12th grade, under the umbrella of one single school district. The Greenfield Community supports the pursuit of unification and requested the (district to) provide support of its effort to prepare the petition.”

Meanwhile, Martinez and other parents have complained that since Greenfield High opened in 1999 it has been treated like a stepchild by its parent district, the South Monterey County Joint Union High School District. They claim funding and resources for such things as team sports aren’t provided fairly for both Greenfield and King City high schools.

Not so, said Daniel R. Moirao, state administrator who oversees the South Monterey County Joint Union High School District. Moirao said many people are operating on rumors and a rivalry between the communities of Greenfield and King City that spans generations. They also may be using past financial calamities to put down the district, he said.
Greenfield and King City high schools each get $375,000 a year in funding for athletics, he said. Any perceived differences in the quality of equipment and uniforms may come from the amount of money raised by booster clubs that also contribute to sports and other activities, he said.

As for academics, no one has come forward to prove Greenfield High is not improving under south county district leadership, he said.

The district’s high school graduation percentage rate is in the mid-90s; the number of students who’ve been reclassified from English Learners to English proficient has tripled. More district kids are going to college and scholarships are on the rise, said Moirao.

In addition, “We are financially solvent, despite the large loans we have to pay on every year,” he said. The South County district has been under state control for the past seven years, following near bankruptcy and emergency loans that kept its doors open. The district is near regaining local control once the school board completes its governance training, said Moirao.

“I believe what Greenfield folks are trying to do is get their own identity,” Moirao said in regard to the unification effort. “I won’t argue with that. … And if someone would show me how it will advance student achievement I might even support it.”

Greenfield Union School District is a K-8 system that enrolls 3,100 children in three elementary schools and one middle school.

For more than a year, parents and school leaders have waged a campaign to bring Greenfield High School into the district. If successful, Greenfield Union would become Greenfield Unified, a K-12 school district.

The governmental body in charge of unification requests is the Monterey County board of education, acting as the Committee on School District Organization.

The Greenfield group has been collecting signatures from registered voters in the Greenfield school district in an attempt to qualify their petition for unification. According to the district website, the group says it has collected enough signatures. The signatures will be submitted to the county superintendent of schools for verification within 30 days.

If approved, public hearings on the unification petition would be held in both the Greenfield and South County districts. A feasibility study also would be needed.

Unification would have an impact on both districts. South Monterey County, with an enrollment of 2,025, would lose about 860 students. Greenfield would absorb them and the cost of operating the high school.

The unification group has been in regular contact with the Committee on School District Organization nearly every step of the way, according to Nancy Kotowski, county superintendent of schools. She said Greenfield proponents chose the citizen petition process, which requires them to collect signatures.
Meanwhile, Martinez said she has encountered only two voters who objected to unification out of hundreds contacted.

Kotowski added that she is aware of support for unification in both districts. No formal opposition has surfaced, she said.

If unification is to succeed, there can be no population of kids hurt in the process, said Moirao.

Kotowski said any unification should be done only in the best interests of the students, community identity and to guarantee a consistent path from elementary to middle to high school to graduation.
School district to switch to voting districts

*Orange County Register*

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*By LOU PONSI/ STAFF WRITER*

Fullerton voters, in November 2016, will decide on whether to establish a district-based election system for the City Council.

The city is mapping out the proposed districts, which will then be put before voters at the same time.

The first round of community meetings is completed and dates and times for the second round have been announced:

• 6:30 to 8:30 p.m. Nov. 4 at Orangethorpe United Methodist Church, 2351 W. Orangethorpe Ave.

• 10:30 a.m. to 12:30 p.m. Nov. 7 at Hope International University, 2500 E. Nutwood Ave.

• 6:30 to 8:30 p.m. Nov. 10 at Maple Neighborhood Center in Lemon Park, 701 S. Lemon St.

• 10:30 a.m. to 12:30 p.m., Nov. 14 at Sunny Hills High School, 1801 Warburton Way

Translators for Chinese, Vietnamese, Korean and Spanish will be present.

R.S.V.P. is requested, but not required. For information or to RSVP email districtelections@cityoffullerton.com or call the city clerk at 714-738-6355.

The Fullerton School District is changing how its five board members are chosen by voters.

The board is holding community meetings and public hearings over the next three months about the move from an at-large election system, where all voters chose from the pool of candidates, to a district system, where voters in five geographic areas choose from candidates within their area.

The school district, which governs a region of 117,262 people, is one of many cities and school districts in Orange County and around the state that are moving away from an at-large election system following a string of lawsuits claiming it violates the state’s Voting Rights Act.

The Fullerton School District will start using the district system in November 2016. Now the map for the voting district has to be chosen.
The district has commissioned a demographics study by the Dolinka Group.

In setting the boundaries, there are some basic considerations that have to be made, according to a district presentation, including that each district should contain about the same number of people, the map has to comply with the Federal Voting Rights Act, and voting districts should be as compact and contiguous as possible.

Suggested boundaries have been drawn and three public meetings will be held to garner feedback. The meetings will be 6 to 7:30 p.m. on:

- Tuesday at Ladera Vista Jr. High, 1700 E. Wilshire Ave.
- Wednesday at Parks Jr. High, 1710 Rosecrans Ave.

The school board is also holding public hearings at 6 p.m. on Nov. 17 and on Dec. 8 at the district headquarters, 1401 W. Valencia Ave. It is expected the final map will be chosen by the board on Dec. 8.