

**SACRAMENTO COUNTY COMMITTEE ON  
SCHOOL DISTRICT ORGANIZATION**

**Minutes of the Meeting of June 8, 2005**

- I. Call to Order and Roll Call
  - II. Pledge of Allegiance
  - III. Approval of Minutes of the County Committee Meeting of May 11, 2005
  - IV. Adoption of Agenda
  - V. Visitor Presentations
    - A. General Public
  - VI. New Business
    - A. Discussion/Action: Joint Governing Board Petition for the Unification of the Grant Joint Union High School District and the Del Paso Heights Elementary School District
  - VII. Adjournment
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I. Chairperson Woods called the meeting to order at 6:40 p.m. in the Board Room of the David P. Meaney Education Center, Sacramento County Office of Education, 10474 Mather Boulevard, Sacramento, California. Committee Members present were Elinor Hickey, Harold Fong, Christopher Woods, John Scribner, Sylvia Ruiz, and Brian Cooley. Also present were: David Gordon, Superintendent and Secretary to the Committee; Marty Cavanaugh, Deputy Superintendent; Rae Belisle, General Counsel; Dr. Bob Carlson, Staff to the County Committee; interested citizens; and Carla Miller, Recording Secretary. Ms. Deane was not present.

II. Chairperson Woods led the Pledge of Allegiance.

III. On a motion by Ms. Cooley, seconded by Mrs. Hickey and carried, the minutes of the County Committee meeting of May 11, 2005 were approved.

IV. Mr. Fong moved adoption of the agenda as published. Ms. Ruiz seconded the motion, which carried.

V.A. Fred Gayle stated he would like to address the board. Chairperson Woods stated that since the meeting was a County Committee meeting, Mr. Gayle would be allowed time for his comments during the regular board meeting, which would convene immediately after the County Committee meeting.

VI.A. Chairperson Woods explained that the next agenda item would be a discussion and series of actions related to a joint governing board petition for the unification of the Grant Joint Union High School District and the Del Paso Heights Elementary School District. He asked Dr. Bob Carlson, staff to the County Committee, to provide background information and describe the purpose of the meeting.

Dr. Carlson explained that on February 23, 2005 the Sacramento County Office of Education received a joint governing board petition for the unification of the Grant Joint Union High School District and the Del Paso Heights Elementary School District. The petition, which was included as Appendix A in the staff report in the agenda materials, proposed that the Grant Joint Union High School District and one of its five feeder districts, the Del Paso Heights Elementary School District, be unified to create the Grant Joint Unified School District.

He explained that the petition expressly excludes from the unification the four other feeder districts that currently send junior high school and/or high school students to the Grant Joint Union High School District: Elverta, North Sacramento, Rio Linda, and Robla. If the proposed Grant Joint Unified School District were established, and if the State Board of Education approves these districts' exclusion from the unification, junior high school and/or high school students from these districts would attend schools in the new Grant Joint Unified School District.

He also stated that on March 30, 2005 a public hearing on the petition was held at the Del Paso Heights Elementary School. A description of the petition that addresses nine specified topics in the Education Code was provided as Appendix C in the staff report in the agenda materials.

The Education Code requires that the County Committee act on the petition within 120 days of the first public hearing, which in this case, would be July 28<sup>th</sup>. Acting on the petition involves a series of decisions, most of which are required. These actions were summarized on page 2 of the agenda item.

First, the Committee must judge whether or not each of nine conditions specified in Education Code section 35753(a) would be substantially met by the proposed unification. The specified conditions were listed in Figure 1 on page 3 of the agenda item. The staff report provided information and discussion about each of these nine conditions.

The Committee must also judge whether or not the proposed unification would adversely affect the school district organization of the county. The staff report included information about this requirement.

The Committee may add to the petition a limited number of specified provisions if they were not included in the petition as filed and amend any of those provisions that were included. The nine specified provisions were summarized in Figure 2 on page 4 of the agenda item. Dr. Carlson noted that five of those provisions are not applicable to the current petition and the others have already been addressed in the petition. Those provisions were discussed in the staff report.

Finally, the Committee must recommend approval or disapproval of the petition to the State Board of Education. Pages 5 and 6 of the agenda item could be used by the Committee to keep track of their decisions.

Dr. Carlson indicated that following the County Committee's actions, (a) the petition and the Committee's approval/disapproval/recommendation, (b) the Committee's judgments about the nine conditions and the impact on countywide school/district organization, and (c) any additions or amendments that are made would be forwarded to the State Board of Education for its review and action. Regardless of whether the Committee recommends approval or disapproval, the State Board will schedule one or more public hearings and then act to approve or disapprove the petition. If the State Board approves the petition, the petition will be sent to the electorate for a vote, and the State Board will determine who will vote on the petition. If the State Board disapproves the petition, the process is over.

Chairperson Woods stated that although the meeting was not a public hearing on the petition for the unification of the Grant Joint Union High School District and the Del Paso Heights Elementary School District (we already held a hearing on March 30<sup>th</sup>), he would like to move to any public comment on the petition. He invited those who wished to speak to submit a completed Speaker Card to the Recording Secretary. Each speaker would be given two minutes to address the Committee.

Several individuals expressed their support of the petition. The key points made in support of the petition were:

- ∞ The petition is strongly supported by the majority of both Del Paso and Grant school boards.
- ∞ The board members are committed to working on a better education for all of the children in the community as has been demonstrated in the two-year joint partnership which exists between the two districts.
- ∞ Unification will provide more resources to support and help educate the children in both districts.
- ∞ The proposal supports the identity of the Del Paso Heights community in that it calls for only the voters of the Del Paso Heights community to decide the fate of their district.
- ∞ The Del Paso School District has had a troubled past; hopefully unification will change that.

Several individuals expressed their opposition to the petition. The key points made in opposition to the petition were:

- ∞ The petition asks that only the residents of Del Paso Heights vote on this proposal. Everyone within the current Grant High School area should be allowed to vote on it. A little more than 900 yes votes could decide something for the entire area. The number of eligible voters would be too small to get a widespread opinion of the community.
- ∞ The request to retain the current Grant board as the board for the newly created district would be undemocratic. It would be extremely unfair to the community of Del Paso Heights. The denial of choice of representatives is completely against the democratic concept of voting for local representation.

- ∞ This petition is considered to be a hostile takeover by some of the Del Paso board members.
- ∞ Staff members are leaving because of the current partnership. Administrators and teachers are looking for new jobs because of the current partnership. The Del Paso community will never have a voice if this proposal is granted under Grant.
- ∞ The proposal gives only a small percentage of the students the benefit of a unified district. This may be a delay tactic, by Grant, to the County Committee's reorganization proposal currently before the State Board of Education that involves the entire Grant High School District area.
- ∞ If the petition is approved a great number of Del Paso Heights students will not be served properly. There is already a proposal before the State Board.

Joel Kirschenstein, on behalf of Rio Linda and North Sacramento school districts, suggested the Committee take a look at Attachment C and the map. He described the proposal as an island reorganization of 10-15% of the current Grant district and very inconsistent with previous County Committee policies and decisions. In his opinion it will be chaos to try to implement this proposal on the districts excluded from the unification.

Mr. Fong referred to this proposal being inconsistent with our policies, and asked Mr. Kirschenstein to elaborate and cite the policy that he believes it's inconsistent with.

Mr. Kirschenstein responded that the policies of school district reorganizations, which the Committee has addressed in the past on a number of occasions, have gone through very detailed criteria analysis and policy interpretation of impacts on previous reorganization proposals that the Committee has reviewed. In particular, approving this proposal would be very inconsistent with what the Committee has already voted on regarding the two district proposal in this area of the county.

Frank Porter, Rio Linda Union Elementary Superintendent, stated that the proposal before the Committee does not conform to the proposal approved by the Committee which was delivered to the State Board of Education in January 2004. He requested that the Committee remain steadfast in support of the proposal adopted in January 2004 and disapprove the current proposal. He stated that unified K-12 school districts provide more continuity of instruction, better articulation of programs, better accountability, improved utilization of limited funding, and a host of other benefits for students and families. In the event of any success for districts, plans should be made and committed to, sooner rather than later, that will sustain and continue any and all of the positive affected programs, and leadership and teaching staff that are currently working throughout the north area districts. He looks forward to the opportunity to work with all of the districts in the north area to focus collective efforts on such an endeavor.

Chairperson Woods stated that the board will discuss and vote on the various issues in the order that they were presented on pages 5 and 6 in the agenda packet. The Committee will discuss and vote on each of the nine conditions listed on page 5 and then discuss and make a decision about the impact of the proposed unification on countywide school district organization. Because the discretionary items on page 6 are either not applicable or have been addressed in the petition, the Committee does not need to address them unless the Committee wants to raise a specific issue about one of the provisions. After these actions, the Committee will need to discuss and determine whether to recommend approval/disapproval of the petition to the State Board of Education. An important thing to keep in mind is no matter what our action is today, this petition goes to the State Board where the other petition currently is pending.

Mr. Scribner asked the following procedural question of general counsel: In looking at the provisions that the County Committee may or may not amend, in the territory in which the election to reorganize is to be held, it says SBE will determine the area of election. Does that indicate that the County Committee has no voice on that in the recommendation?

Mrs. Belisle responded that it is in the petition and the Committee has the authority to amend that if they so choose. It is always decided by the State Board of Education but you can certainly try to inform that decision.

Mr. Cooley asked Dr. Carlson about any deadlines before the Committee. Dr. Carlson responded that the Committee must take action on this proposal by July 28<sup>th</sup>.

Mr. Fong asked General Counsel if SCOE can actually support both petitions. Mrs. Belisle stated that the Committee has the legal authority to do what they like. What the Committee is doing is providing recommendations to the state board. However, if the Committee recommends two inconsistent proposals, the recommendation may be discounted at the state level.

Mr. Fong asked if that ever occurred at other county boards. Mrs. Belisle stated she could not say what has occurred at county boards across the state. However, after being at the State Board since 1997, she never saw two proposals come up with the recommendation that would be inconsistent at the same time.

Mrs. Hickey is concerned that the current Grant board would continue to be the school board for this district. She stated that Del Paso Heights should have some representation. It seems to her that Del Paso is giving up their representation in this plan.

Ms. Ruiz asked for clarification on how blended revenue is addressed. Dr. Carlson stated there are two steps to the revenue limit process: blending the current base revenue limits of both districts, and then making adjustments to account for differences in average certificated and classified salaries. Del Paso

has lower average salaries than Grant. To allow for equalization of average salaries this adjustment is made. The final blended revenue limit is above the original one for Grant. Ms. Ruiz asked if the money follows the student.

Mr. Gordon stated that should the district become a unified district, it would have broad discretion in the allocation of dollars that it receives. The dollars are not “radioactive” and do not follow the student.

Ms. Ruiz stated that in any proposal before the state that looks at reorganization, even though this blended revenue is higher than the current ones, is it still considered revenue neutral?

Dr. Carlson responded that the Department of Education indicated that any increased costs to the state due to this process of blending the revenues and then adjusting for salary differences cannot be deemed as an increased cost to the state.

Mr. Gordon stated that to do otherwise would be a hindrance to any unifications around the state.

Mr. Cooley asked about representation of the Del Paso board. Would the Grant board automatically assume the duties as the governing board for the unified district, and when would the Del Paso board cease?

Mrs. Belisle stated they are asking for a waiver from the State Board of Education to allow them to do that. Del Paso’s board would no longer exist. The Grant board would be the board for both. Typically the State Board in this setting would opt for the larger area of election, which would be the entire Grant district.

Mr. Cooley also asked what the rationale is behind restricting the area of election to Del Paso.

Mr. Gordon stated there was disagreement on the respective boards as to whether to move the proposals forward. The disagreement on the boards was resolved in the action of the two boards to move the proposal forward. What is before you is the proposal which was the wish of the people who voted for the proposal to move it forward with the election being restricted to those areas only.

Chairperson Woods stated that we need to make our decision not on what the rationale was but on what the petition states and whether we think the nine components are met.

Mrs. Belisle stated that there is a lot of thought that goes into the area of election because it is the critical piece of determining success. In this instance one might argue that limiting the area of election to just Del Paso would give that area input and possibly a greater chance for success. The State Board looks at a community of interest, and everyone that is affected, and determines the area. Sometimes they will choose a smaller area of election at the State level because

they want to give that particular community a voice and they figure if they go larger then the voice is drowned out. In these types of unifications they typically always go with the whole area.

Ms. Ruiz questioned staff's comment on Criteria #4 that the percentage of ethnicities won't change between a unified and what currently exists. Dr. Carlson explained that Grant has about 13,000 students, and Del Paso has about 2,000. Grant has fewer non-white students than Del Paso. When you blend them, the result will be a slightly more non-white district than Grant currently has. The changes aren't very big at all, as shown in the tables in the agenda materials.

Ms. Ruiz stated that if you look at the percentage of students that would actually be served by the K-12 district, the number of students that would actually be served in an articulated district K-12 would not be the entire 13,000 students because they wouldn't have gone through a program where they had the same administration from the time they entered school to the time they finished school. She is trying to determine if the money will follow the student, and determine the percentage of the students, both racially and ethnically.

Mr. Fong stated that Grant is currently a 63.3% minority district, Del Paso is currently a 89.1% minority district. One of the conditions on criteria #4 is that this board will not approve plans that would promote segregation of a district. This came up in the proposal that SCOE put forth also. His concern about creating a new entity, which Grant Unified would be, is it appears we would be approving a new district that would be promoting segregation.

Mr. Gordon interjected that the figures given are correct, but since it is a unification you have to look at the status of both districts. In merging them, it will make Del Paso a less racially isolated district when combined with Grant. It will make Grant a somewhat more racially isolated district but keep in mind that those students are already transitioning into the Grant District.

Mr. Fong answered they are, but you are creating a new entity. We are being asked to pass forward to the State Board a petition to create a new entity called the Grant Unified School District. We are talking about combining both districts into one new district that will encompass the current boundaries of the Grant Joint Union High School District, but it will have a new name and will be a K-12, so it is the creation of a new entity.

Chairperson Woods stated that the Committee members will have to take that into consideration when making the determination on how to vote on that portion of the criteria.

Ms. Ruiz commented that Del Paso has made a public policy statement that they want to be in a unified district. If so, they don't have to exercise their Thompson bill exclusion under the proposal that we already have before the State Board of Education; they can decide to become a unified district with the North Sacramento Board, dissolve their board, etc.

Mrs. Belisle stated that Del Paso can do that, but it would become a different district because it's taking the current totality of Grant and cutting it into two new districts. Del Paso would be part of a new unified district, so if they wanted to be part of a unified district, that's an opportunity for them to do it as well. My recollection is they were not supportive of that proposal.

Mr. Fong asked counsel, in looking at the nine conditions, do we have to say yes to all nine in order to say yes to this proposal, or can we say no to one and end up voting in the negative in terms of this proposal?

Mrs. Belisle stated the statute uses the term "substantially in compliance." I have seen instances at the State Board where a county committee has found several items lacking, as far as compliance, and the SBE still approved the petition for a variety of reasons. In my opinion, if one of the conditions is not in compliance or substantially met and you still want it approved, you can still approve it.

Mr. Fong stated he has a real big dilemma in considering this proposal. He is for unification of this area. The K-12 education format is best for all of the children in the district. One issue that bothers him is creating a new entity that is disproportionately segregated. School boards are charged to do their best, regardless of how that segregation took place, to mitigate and not promote segregation within districts. He finds this very difficult. He would like for Grant, Rio Linda or North Sacramento to have the opportunity to either do the high school or elementary portions. There appears to be a huge lack of trust among the different districts and communities.

Chairperson Woods commented that avoiding segregation is a top priority. He appreciates Mr. Fong's passion. The bottom-line is that the State Board is going to have both of the proposals before them regardless of our action.

Mr. Cooley stated we went through this process a year ago. He has a problem with the plan before us. He would like to see total unification of the area. He expressed concern that only Del Paso residents would vote on this plan and that the Grant board will automatically become the board for the unified district.

Mr. Scribner, referring to Mr. Fong's comments on promoting racial or ethnic discrimination, stated that this is being brought forward by those who have been empowered by their community. He is willing to give them the benefit of the doubt on criterion #4.

Chairperson Woods pointed out they received a letter expressing opposition to the petition from Senator Deborah Ortiz, and a letter from North Sacramento Chamber of Commerce in support of the petition.

The following rollcall votes were taken on each of the 9 criterion:

Criterion #1 – the new districts will be adequate in terms of number of pupils enrolled. 6-0 vote – all in favor. Condition substantially met.

Criterion #2 – the districts are each organized on the basis of a substantial community identity. 3 Ayes – Fong, Cooley, Ruiz; 3 Noes – Hickey, Scribner, Woods. Vote was a tie; therefore a “no position” would be listed.

Criterion #3 – the proposal will result in an equitable division of property and facilities of the original district or districts. 6-0 vote – all in favor. Condition substantially met.

Criterion #4 – the reorganization of the districts will not promote racial or ethnic discrimination or segregation. 4 Ayes – Cooley, Ruiz, Scribner, Woods; 2 Noes – Hickey, Fong. Condition substantially met.

Criterion #5 – the proposed reorganization will not result in any substantial increase in costs to the state. 5 Ayes, 1 Abstain – Scribner. Condition substantially met.

Criterion #6 – the proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts. 2 Ayes – Fong, Cooley; 4 Noes – Ruiz, Scribner, Hickey, Woods. Condition not substantially met.

Criterion #7 – the proposed reorganization will not result in a significant increase in school housing costs. 6-0 vote – all in favor. Condition substantially met.

Criterion #8 – the proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to an adjoining district. 6-0 vote – all in favor. Condition substantially met.

Criterion #9 – the proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization. 2 Ayes – Fong, Cooley; 4 Noes – Hickey, Ruiz, Scribner, Woods. Condition not substantially met.

Would the proposed unification adversely affect the school district organization of the county?

4 Ayes – Hickey, Ruiz, Scribner, Woods; 2 Noes – Fong, Cooley.

Does the County Committee recommend approval or disapproval of the petition?

Mr. Cooley asked if the Committee members would have an opportunity for discussion or input prior to the final vote. Chairperson Woods stated there would be time for such a discussion.

Ms. Ruiz asked if the Committee should consider any amendments to the petition in case the Committee disapproves it but the State Board of Education wants to look at our position on some of these questions.

Mr. Gordon stated that the Committee has a competing petition before the State Board right now. Spending a lot of time amending this one, as stated by Counsel Belisle, may be somewhat confusing to the State Board.

Chairperson Woods asked if the State Board might think we are talking out of both sides of our mouths if we disapprove this proposal but state that we would prefer to have a district wide election. Would that be legitimate?

Mrs. Belisle stated she thinks it would be appropriate. If you want to make changes and have it go before the State Board, she suggested that all motions be very clear about what the Committee's intent is.

Mrs. Hickey stated the State Board can decide on its own how a vote should be conducted.

Mr. Cooley agrees that it does put us in an awkward position. We want to have some credibility at the state level.

Mrs. Hickey stated that the State Board can see that. They may not appreciate us telling them what to do.

Mrs. Belisle stated that the SBE is very respectful of the County Committee's recommendation. They do look to the fact that governing boards have taken a vote because these are local matters.

Mr. Fong asked whether we could do something like ask the state for approval of this petition and ask for strong language that the new district would have to come up with a voluntary segregation plan as a condition of our approval.

Mrs. Belisle stated that it would have to be done now. You cannot put a condition on the plan.

Ms. Ruiz moved that the County Committee recommend disapproval of the petition. Mrs. Hickey seconded the motion.

Mr. Cooley requested that any correspondence to the State Board should emphasize the fact that if the SBE considers it, we would like heavy consideration on the issue that the entire Grant district be involved in the area of election.

Chairperson Woods recommended that trustees write a letter to the State Board and encourage them to look at these issues as they go forward.

Mr. Scribner stated that if in fact the SBE overrides us, we need to state that we strongly recommend that the election be held district wide. That was a part of our motion to the SBE.

Mr. Gordon stated that the other petition, which is the Committee's proposal, by its nature has everybody voting on the creation of these two unified districts. The SBE will have a sense by your action on that proposal, which is sponsored by you, that is the direction you would prefer.

Mr. Cooley stated the motion made by Ms. Ruiz doesn't include the election component and if she'd be willing to take an amendment, I'd offer that we need to have that language stipulated.

Mr. Gordon inquired whether the amendment would remove your objection such that you would want to approve.

Chairperson Woods stated that Mr. Cooley is not asking for an amendment to the petition, he is asking for language in our motion "by the way, should you go against us and approve this....."

Mr. Cooley stated he didn't know if that was necessary. He didn't know if it was worth adding that on.

Chairperson Woods asked Mrs. Belisle to comment on the following: when we send this to the State Board, is there ability for us, in our cover letter, to make the point that Mr. Cooley is making. Assuming the vote here is to disapprove, would you be able to do what Mr. Cooley is saying?

Mrs. Belisle states the Board can do it if they want do. She has not seen it before, but certainly they can put it in a letter and it would be no different than if you appear at a public hearing of the board and testify what you think on the matter.

Mr. Gordon asked if it's okay with Counsel Belisle to take it as direction to staff to so incorporate in a letter separate and apart from the motion and the action.

Ms. Hickey stated she didn't think it should be part of the motion. She thinks the petition should be voted up or down.

Mr. Cooley stated his support for that direction.

Mrs. Belisle stated that to the extent the districts actually ask for a waiver request, we can certainly put in your position relative to that waiver which would be to deny it.

Mr. Cooley asked if their waiver request is a separate request they're making or is it within the proposal?

Mrs. Belisle suggests they might have to do a separate waiver request. They have never had this come up before but if they're asking for a waiver, there is an entirely different and separate process. On that waiver request, the department will look to this body for your position and you can say that you want to oppose the waiver, you are asking for a denial of the waiver. If you give us that flexibility, we'll keep an eye on it.

Chairperson Woods stated that should this motion to recommend disapproval be approved, that we also include in the letter to the SBE a note that should they approve the petition the matter should be voted at a district wide election.

Ms. Ruiz supports the idea that the letter that goes to the SBE make a statement that this vote is consistent with the policy established when we submitted our petition for reorganization in January 2004. She feels it's a stronger position, making this decision consistent with what has been taken before, and that the election should be district-wide.

Mrs. Belisle commented if you did that it would be consistent, and we could also send a letter expressing our objection to the waiver.

Ms. Ruiz states she would be supportive of that route.

Chairperson Woods agrees wholeheartedly with Ms. Ruiz' comments.

The following rollcall vote was taken to disapprove the petition:  
6-0 vote – all in favor.

VII. Mr. Cooley moved to adjourn, seconded by Ms. Ruiz. Motion to adjourn carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

David W. Gordon  
Secretary to the County Committee

Date approved: \_\_\_\_\_