

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
October 30, 2014

APPROVED MINUTES

**Date:** October 30, 2014

**Place:** Cabrillo Unified School District Board Room  
498 Kelly Avenue  
Half Moon Bay, CA 94019

**County Committee on School District Organization Members Present:**

Virginia Bamford; Greg Dannis; Victor James; Bill Lock; Hilary Paulson; Laura Rich; George Robinson; Robert Stelzer; Marc Tarpenning; Melchior Thompson

**County Committee on School District Organization Members Absent:**

None

**Staff Present:**

Tim Fox, Deputy County Counsel; Nancy Magee, Secretary to County Committee and Administrator for Board Support and Community Relations

**Call to Order:**

Chairperson Stelzer called the meeting to order at 7:01 p.m. and welcomed all members present.

**Description of Petition**

Nancy Magee, SMCOE Administrator and Secretary to the County Committee said the Mountain Meadow Road petition was received in the Office of the County Superintendent of Schools and after verification, was forwarded to the County Committee on September 11, 2014. The petition requests the transfer of two parcels of land from the Cabrillo Unified School District to the Woodside Elementary and Sequoia Union High School Districts.

**Overview of Petition Process and Public Hearing**

Ms. Magee explained that the petition timeline requires that the Committee convene public hearings in each of the affected school districts within 60 days of the verified petition being presented to the Committee. Additionally, the Committee must take action on the petition within 120 days of the first public hearing. Ms. Magee said based on that information the Committee must take action no later than March 1, 2015.

**Presentation by Petitioners**

The Chief Petitioner, Jim Lyons, thanked the Committee in advance for their time and attention. Mr. Lyons said he resides at 27 Mountain Meadow Road, just off of Skyline Boulevard. He indicated that his next-door neighbor Mr. Rothschild, and Mr. Regino Soto, parent of the involved children, were also present in the audience. Mr. Lyons explained that Mr. Soto resides on his property and helps maintain it. Mr. Soto has four school-age children, who are named in the petition. Mr. Lyons explained that the petitioners are requesting that the parcels listed in the petition be transferred from the Cabrillo Unified School District to the Sequoia and Woodside School Districts.

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Mr. Lyons said the reason for the transfer comes down to the burden that has been placed on the school children who reside on his property. They are presently required to attend school in the Cabrillo Unified School District. The oldest child, Quinlin, is a freshman who attends Half Moon Bay High School. She has two brothers and a younger sister. One of the brothers has approval to attend school at Woodside Elementary School District at least through the eighth grade. The two other children attend Kings Mountain Elementary School in Cabrillo Unified, but once these children reach high school age, they will also need to attend Sequoia Union High School District.

Mr. Lyons explained the petitioners have tried every way they know how to deal with this particular issue without taking the time of the County Committee. The petitioners filed an inter-district attendance request with Sequoia Union High School District, but it was denied. Then the petitioners appealed the decision with the County Board of Education that was also denied.

Mr. Lyons explained that the issue is simply the illogic of having his particular parcel assigned to the Cabrillo Unified School District. The property is located at least twice as far from Half Moon Bay High School as Woodside High School. It takes hours of Mr. Soto's day to transfer his daughter to school on time at Half Moon Bay High School. It's a 40-minute trip from the Mountain Meadow Road address, door to door. Mr. Lyons asked Committee members to imagine if they had to make that trip four times every day and to also consider how rush hour impacts the drive.

Mr. Lyons said that Mr. Soto is spending at least three hours a day on the road just transferring his daughter to and from Half Moon Bay High School. He pointed out there is no transportation alternative, either through the public system or through the school district. There are no school buses. The only way for Mr. Soto to get Quinlin to Half Moon Bay High School is to drive her.

Mr. Lyons directed the Committee's attention to Exhibit A in the petition document. He pointed out parcels on the map that are closer to Half Moon Bay than the petitioners' parcels and yet they are assigned to the Sequoia High School District. He said this makes no sense. Parcels even as much as a half a mile closer to Half Moon Bay are assigned to the Woodside School District. Mr. Lyons said if the map could be drawn again from scratch, nobody would have designed property lines and assignments this way.

Mr. Lyons acknowledged that it is nobody's fault, but rather a happenstance of history. But as a result of this happenstance, Mr. Soto is going to spend \$6,000 this year transferring his daughter to Half Moon Bay High School. If she were able to attend Woodside High School, this would not be the case. It would be half the distance. Mr. Lyons reiterated that this makes no sense.

Mr. Lyons also said that Mr. Soto works for him and that he's a wonderful employee, but it takes about 15 hours out of Mr. Soto's work week just to transfer his daughter to school. Mr. Lyons explained how that's a burden on the employers. It's his belief that one reason the County Committee is in existence is to fix irrational assignments such as this. Mr. Lyons asked the

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Committee to consider the petition favorably and to support the transfer of the parcels into the Sequoia Union High School District where, after all, as is reflected in the petition, most of the petitioners' time is spent in the Redwood City/Woodside area.

Chairperson Stelzer then asked if Mr. Soto would like to address the Committee.

Mr. Regino Soto introduced himself and said he is the father of four children and that he has been working for Mr. Lyons for 24 years. Mr. Soto said all his children were born on Mr. Lyons property. He clarified that his family does not own property. Mr. Soto explained that when Quinlin started high school, he started having to drive three hours a day to transport her. Before this, he spent more time with his kids, playing with them and helping them with the homework, but now, he feels like his family has been divided. Mr. Soto also said his wife drives two hours in transporting the younger kids to school. Between the two of them, they are driving five hours every day. Mr. Soto said this is the reason he is asking the Committee for help. He said he is an American citizen and his family is hardworking and pays taxes.

Chairperson Stelzer then asked the Committee members if they had any questions for Mr. Lyons or Mr. Soto.

Member Paulson noted that when she looked at the map and specifically at Mountain Meadow Road, she noticed two other parcels at the beginning of the street. One is 17 Mountain Meadow Road. Ms. Paulson asked if those parcels have homes on them? Mr. Lyons answered that yes they do. Member Paulson asked if those families were asked to join the petition. Mr. Lyons said they were not, but both properties are assigned to Cabrillo Unified School District.

Member Tarpinning asked Mr. Lyons about the properties on the other side of his property, parcel 260. Mr. Lyons said that parcel is located in the Sequoia Union High School District. Mr. Tarpinning said yes, it looks like they are in Sequoia, but assigned to Portola Valley as an elementary district, as are all of the other houses down the road. Mr. Tarpinning said he is curious why the petition requests transfer into Woodside and not Portola Valley?

Mr. Lyons responded that he was focused more on Sequoia, the high school district, than Woodside versus Portola Valley as the elementary districts. His concern is the high school, but he acknowledged that students in Portola Valley Elementary School District would go to Woodside High School. He added that in looking at the map one would see a whole group of parcels here to the north of his address that technically, are closer to Half Moon Bay, but are all assigned to Sequoia. He said it makes no sense to him.

Chairperson Stelzer asked if Mr. Lyons could share with the Committee why the request for an interdistrict transfer was denied?

Mr. Lyons said he could speak to it and that Mr. Corry could also address this. Mr. Lyons went on to explain that in the petition materials it included the decision from the Board of Education,

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Exhibit E and the decision from May 21, 2014. The Board was concerned there would be additional costs imposed on Cabrillo if a Cabrillo student were permitted to attend high school at Woodside High School. Last week, Mr. Lyons said he received a letter from Mr. Corry who said that that cost concern was no longer an issue, that in fact, there would not be any additional cost on Cabrillo if Quinlin were permitted to attend Woodside High School. Mr. Lyons said he took this as good news until he received a letter from the Sequoia School District saying the petition for transfer had been denied. Mr. Lyons said this was confusing because they had not yet submitted a petition. He feels the process is completely in limbo right now.

The original reason the Cabrillo Board denied the request was because of cost. Now there is indisputable proof that there is no cost impact but still someone from Sequoia denied it. The individual who signed the letter from Sequoia was Mr. Milhaupt, but he was not in attendance at the hearing.

Mr. Lyons said Mr. Milhaupt did attend the meeting at the Board of Education in which the Board asked him if there was a waiting list of students at Woodside High School. Mr. Milhaupt never answered that particular question, but when Mr. Lyons meets with Mr. Milhaupt next week, he intends to ask him that question. Mr. Lyons further explained that they are being opposed by Sequoia, even before he makes the request, but he sees no basis as far as he can tell for Woodside High School not being able to accept another freshman student.

Secretary Magee offered a correction to the record in that the interdistrict transfer documentation was removed from the petition prior to its final submittal because it contained confidential student records. Mr. Stelzer confirmed that the interdistrict appeal decision process was not part of the petition. Ms. Magee agreed, but said the process is explained in the narrative of the petition. Mr. Corry interjected that the information would be part of the CUSD presentation.

Chairperson Stelzer then invited Superintendent Roehrick from the Cabrillo Unified School District, to speak. Secretary Magee interjected that Cabrillo Unified had prepared some materials for the Committee, which she distributed to the members.

**Presentation by School Districts**

Superintendent Roehrick introduced himself and welcomed the Committee to the coastside and to the CUSD district office. He said the district was happy to host the hearing. He explained that Mr. Corry, Assistant Superintendent for HR and Pupil Services, is the person responsible for processing interdistrict transfers and so he would speak specifically to that topic later. Superintendent Roehrick said he was going to speak specifically to the second part of the petition, which concerns the Rothschild property. Before beginning, Dr. Roehrick said he would like to officially state that the Cabrillo Unified School District opposes the petition. He further stated that the district supports the attendance of Quinlin and Quinlin's siblings in the future to attend the school of their choice, but it is his hope that the transfer of territory and the interdistrict attendance request can be viewed separately and treated as such.

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Dr. Roehrick went on to say the Lyons-McCarthy petition is really focused on a desire for Mr. Soto's kids to attend the schools of their choice, Woodside High and Woodside Elementary School. Currently, Mr. Soto's kids do attend schools in Cabrillo Unified.

Dr. Roehrick said that in regards to Mr. Rothschild's argument to bring Mr. Rothschild's properties within one school district or under one taxing authority, this transfer of territory as requested in the petition would not accomplish that. Mr. Rothschild's smaller property, which is not included in the petition, falls within the Portola Valley Elementary School District and Sequoia Union High School District. Regardless, if the requested territory were transferred, Mr. Rothschild would still pay taxes to two different elementary school districts. He then indicated that on page two of the document prepared by the Cabrillo district it shows the Tax Collector information. He then pointed out that Mr. Rothschild's smaller property is 0.2 acres, has an assessed value of just under \$13,000, and shows the taxing agencies are Portola Valley Elementary and the Sequoia High School District. He went on to say the second document shows information about the primary property, which is a little over 9 acres with an assessed value of a little over \$1.6 million. This document shows the Cabrillo Unified School District as the taxing agency. Dr. Roehrick said he wants to make sure the Committee understands that Mr. Rothschild's stated interest for this petition would not be realized, but in fact would increase the tax liability. He then asked John Corry to come forward to speak about the interdistrict attendance process.

Mr. Corry thanked Dr. Roehrick and offered the Committee additional welcome to Half Moon Bay. Mr. Corry said he is the Assistant Superintendent for Personnel and Pupil Services, but he also serves as Principal of Kings Mountain Elementary School. He personally knows Quinlin as well as the other three Soto children. He indicated that it has been heart wrenching in going through the interdistrict attendance appeal process, as he personally wants the best for the family.

Having said that, Mr. Corry indicated the importance of the interdistrict appeal timeline and to acknowledge that the transfer of territory process is a direct result of the outcome of the interdistrict appeal. He directed the Committee's attention to page one in the district's submitted document that shows that in 2012, Cabrillo Unified School District first received the out-transfer request from CUSD to Woodside when Quinlin was a fifth grader at Kings Mountain School. The district did approve the interdistrict transfer out. Woodside denied the request. The San Mateo County Board eventually approved the interdistrict transfer request, and Quinlin did attend Woodside. It should be noted too that Woodside billed back for special education services for Quinlin's three years at Woodside Elementary for a total of \$38,450.

When Quinlin reached the eighth grade, CUSD received a request for another out-transfer for Quinlin to attend Sequoia. CUSD denied the interdistrict request, the primary reason being that the Cabrillo Unified School District does have a special education program at Half Moon Bay High School, a program that can provide services for Quinlin. The Soto's submitted the transfer request to the CUSD Governing Board, and as noted in the timeline, the CUSD Governing Board

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did deny that request. The denial letter was sent. CUSD then received an appeal that went to the County Board. Much of the information being discussed at this hearing tonight was shared with the County Board. The County Board, in their decision did support Cabrillo, and Quinlin did attend Half Moon Bay High School.

Mr. Corry went on to explain that at a SELPA Administrative Council meeting on September 25, 2014, a discussion took place about the billing back of services. During this discussion, it was clarified that there would not be billing back to a home district unless the district placed the student in a different district. This change of practice was confirmed on October 8, 2014. CUSD's Director of Special Education, Meredith Raymond, spoke to the Director of Special Education in the Sequoia District to confirm that there would be no billing back of services. Based on this new information, CUSD did approve the transfer request to Sequoia. Sequoia did again deny the request.

Now, since CUSD has a new understanding of the billing practice, the parents could choose to once again appeal the denial to the Sequoia Union High School Board. If the Sequoia School Board denied it, the family could appeal to the County Board of Education. So there is an appeal process that is available to the family that they are familiar with because it is the same process that they used previously. Mr. Corry acknowledged there is an additional timeline with regards to the decision that has to be made by this Committee, but there is also this appeal process available to the family where they could bring this denial forth to the Sequoia School Board and ultimately to the County Board for a possible overturning of that denial. Mr. Corry summarized his argument by saying that the transfer of territory process is a little premature.

Chairperson Stelzer asked if the Committee should assume that the initial denial by the County Board was in response to a CUSD request that it not be approved because of financial burdens?

Mr. Corry responded that the initial presentation determined that Half Moon Bay High School had the appropriate services to accommodate the IEP so the IEP goals could be achieved by CUSD. That was the first and foremost presentation to the County Board.

Mr. Stelzer responded by asking whether the bill back was a factor?

Mr. Corry said the bill back was discussed, and generated an interesting discussion among the different Board members. They asked questions about the formula for the billing practice for additional services and staffing hired to accommodate the IEP needs of the individual student.

Mr. Stelzer clarified that if there was reconsideration by the Board, there would not be the bill back or financial burden that was experienced previously?

Mr. Corry responded that was true. He added that when the district is in a financial crisis and currently deficit spending, finances are first and foremost. He said the district is fortunate to have passed a recent parcel tax. He said that while CUSD is a Basic Aid district, they are certainly not

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one of the wealthier Basic Aid districts. Superintendent Roehrick added that they may be moving into LCFF status soon. This will be confirmed in the spring.

Member Bamford said she was looking at the February 12, 2014, letter that talked about the interdistrict request being denied by the administration. She said she was not clear about this letter. Was it the administrators' decision to deny the request based on the fact that administration felt the staffing resources to meet the IEP goals were sufficient, or was there something else?

Mr. Corry answered that the district feels it can accommodate the IEP goals internally. If an appeal is denied at the administrative level, the family can appeal to the Governing Board and if the Governing Board denies, they can go to the County Board. Mr. Corry added that in this case, the district does feel they have the staffing available to accommodate Quinlan's IEP goals.

Member Bamford asked again if this letter represents the first layer of the process? Mr. Corry replied that was correct.

Member Rich asked for clarification on the two CUSD arguments against the transfer of territory. CUSD is against this petition regarding the Rothschild property because it doesn't meet Mr. Rothschild's stated intention. Ms. Rich asked the district representatives what their interest was in terms of the other property?

Superintendent Roehrick responded that CUSD opposes that as well, and the reason as Mr. Corry just outlined is because there is a process for interdistrict attendance. The stated goal of the Lyons' petition is to have Mr. Soto's children attend the schools of his choice in Woodside.

Member Rich further asked if the district would like the family to play out the interdistrict process?

Dr. Roehrick replied yes, the district would like this. The district has approved the family's interdistrict transfer. It would be a different decision before the County Board because the decision they made prior was based on the district's ability to provide special education services. The new appeal would be solely based on whether or not there was room at Woodside High, and whether Woodside has capacity to provide special education services.

Mr. Lyons asked for the opportunity to respond. Chairperson Stelzer addressed Mr. Rothschild asking if he wished to speak to the petition before giving the parties the opportunity to respond to the presented arguments.

Mr. Rothschild asked how the petition would not meet his stated goal to bring his parcels under one taxing agency. Superintendent Roehrick responded that by granting this petition, Mr. Rothschild's smaller parcel would remain with Sequoia Union High School District and Portola Valley Elementary School District, but the larger parcel would move to Sequoia Union High

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School District and Woodside Elementary School District, resulting in three taxing entities. The current taxing structure for Mr. Rothschild's properties includes Cabrillo Unified for the larger parcel and Sequoia and Portola Valley for the smaller parcel, also resulting in three taxing entities. The taxing agency situation would not be improved with a granting of the petition.

Mr. Rothschild confirmed that if the petition were approved, both parcels would pay to Sequoia Union High School. Dr. Roehrick said yes this is true, but the elementary districts would be different. Mr. Rothschild explained that he originally purchased both parcels to operate as a commercial horse stable. It was one of 42 commercial horse stables in the county. He first became aware of the fact that different school districts were represented in the taxing agencies when the rates for Sequoia Union High School District increased. He was not paying attention to the elementary school districts in the matter. He reiterated that no children live on any of his parcels, and therefore no children are represented in the enrollment numbers of the school districts. Mr. Rothschild did confirm that the traffic congestion in the transportation corridors that Mr. Soto has to transport his children to school is egregious.

Chairperson Stelzer then invited the parties to make closing statements.

Mr. Lyons began by addressing the issues raised by the Cabrillo Unified School District regarding the interdistrict transfer. Mr. Lyons said he and Quinlin's family have been at this process for nine months, trying to find her the best school placement. The best place for Quinlin is Woodside High School. What he would expect the school boards to take into consideration would be what is best for the child. He acknowledges Mr. Corry's statement that there are qualified individuals to work with Quinlin regarding her special needs in the Cabrillo Unified School District, but he has to say respectfully that Mr. Soto does not share view. To defer this issue by asking the family to go through another interdistrict appeals process simply means she will be spending three or four hours a day riding in a car. If the best interests of the child were truly at the heart of the matter, then Quinlin would be at Woodside High School. If the Committee were to focus on what is the most rational line for a school district boundary map, Mr. Lyons said that line would put his property in the Sequoia Union High School district. The petitioners want a resolution and the Committee is able to provide that resolution.

Dr. Roehrick recapped that the CUSD supports Quinlin's interdistrict transfer request to attend Woodside High School. It is the district's belief that through that process, including an appeal to the County Board of Education, the family will find resolution. In terms of the Rothschild's portion of the petition, from a purely geographic sense, the request makes no sense. Again, the Committee has a difficult decision to make because this is not about dollars and cents; it's about a student and a family who is clearly recognized as outstanding. We want to support the family seeking their school of choice, but the district believes there is a different venue for doing so. Chairperson Stelzer asked the Committee if they had any further questions.

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Member Rich asked Deputy Counsel Fox if the Committee is obligated to take the petition in its entirety or could the petition be separated into two parts? Mr. Fox indicated the petition must be considered as submitted, in its entirety.

Member Tarpenning asked if this petition goes through, would the younger children lose access to Kings Mountain School. Superintendent Roehrick confirmed this would be true unless they applied under an interdistrict transfer to attend Kings Mountain Elementary.

### **Public Comment**

There were no members of the public present to comment.

### **Next Steps**

Chairperson Stelzer asked what items the Committee might request of staff for further clarification. Mr. Stelzer suggested that an improved map with color-coded sections indicating the different school districts would be helpful. Secretary Magee said it might be difficult to have the maps ready for the next meeting occurring the following Monday, but said improved maps would be available for the meeting in which action could be taken.

Member Bamford asked for clarification of next steps regarding the interdistrict transfer proceedings. Superintendent Roehrick said the next action the Soto family could take would be to appeal the Sequoia denial to the Sequoia Governing Board and if denied, the family would appeal to the County Board of Education.

Member Lock asked the district to describe the interdistrict attendance appeal timeline in more specific terms. Mr. Corry responded that the school boards meet once or twice per month and that a Governing Board must respond to an appeal within 30 days. Mr. Lock asked Mr. Fox if the Soto family could file the appeals at each level, district and county, simultaneously. Mr. Fox said in general terms, the family must have exhausted their efforts at the district level before going to the County Board.

Mr. Lock pointed out that in Exhibit 14, it seems Sequoia had already addressed the issue regarding the changed circumstances. Dr. Roehrick agreed that was his understanding. Mr. Fox replied that if that was the case, then the Soto family could go directly to the County Board for another appeal hearing.

Member Paulson noted that the administrative appeal by Sequoia happened on August 24<sup>th</sup>. The provided documents do not provide clarity on whether a second appeal to the Sequoia Governing Board occurred. Mr. Stelzer asked Mr. Fox to investigate the status of the interdistrict appeal in Sequoia.

### **Adjournment of Public Hearing**

San Mateo County Committee on School District Organization  
Regular Meeting  
October 30, 2014

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Chairperson Stelzer reminded all in attendance that the next public hearing would be held at Woodside Elementary School District at 6:30 PM on Monday, November 3, 2014. The public hearing was adjourned at 8:05 PM.