

San Mateo County Committee on School District Organization  
Regular Meeting  
Monday, July 12, 2021

**APPROVED MINUTES**

**Date:** July 12, 2021

**Place:** Held Remotely via Zoom

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

Virginia Bamford, Lynne Esselstein, Maria Hilton, Bill Lock, Lillian Markind, Dennis McBride, Hilary Paulson, Rosie Tejada, Colleen You

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

Greg Dannis, Melchoir Thompson

**Staff Present**

Niambi Clay, Secretary  
Timothy Fox, Deputy County Counsel  
Nancy Magee, County Superintendent of Schools

**Chief Petitioners Present:**

Matt Voss  
Maressa Voss  
Hilary Gibson

**Present from the La Honda-Pescadero Unified School District:**

Amy Wooliever, Superintendent, La Honda-Pescadero Unified School District  
Lisa Mateja, Trustee, La Honda-Pescadero Unified School District School Board

**Present from the Portola Valley School District:**

Roberta Zarea, Superintendent, Portola Valley School District

**1. Call to Order**

Chairperson Paulson called the meeting to order at 7:02 p.m. and welcomed those present.

**2. Approval of Agenda**

Chairperson Paulson asked for a motion to approve the agenda for the July 12, 2021, meeting. Committee Member McBride made a motion and Committee Member Lock seconded. The CCSDO unanimously approved, by a vote of nine in favor (Bamford, Esselstein, Hilton, Lock, Markind, McBride, Paulson, Tejada, and You), by roll call vote, the July 12, 2021, agenda as presented.

### **3. Approval of Minutes**

Chairperson Paulson asked for questions on or edits to the Minutes of the May 3, 2021, regular CCSDO meeting. There were none. Chairperson Paulson asked for approval of the Minutes of the May 2, 2021, regular CCSDO meeting. After a motion by Committee Member You and a second by Committee Member Markind, the CCSDO unanimously approved, by a vote of nine in favor (Bamford, Esselstein, Hilton, Lock, Markind, McBride, Paulson, Tejada, and You), by roll call vote, the Minutes of the May 3, 2021, regular CCSDO meeting as presented.

Chairperson Paulson asked for questions on or edits to the Minutes of the June 10, 2021, Skyline Public Hearing #1 for the La-Honda-Pescadero Unified School District. Committee Member Esselstein referred to a conclusionary statement by the petitioners that looked like a statement of fact, and suggested such statements should be prefaced with “they contend.” She was unable to find the statement in question and suggested the committee move forward. Chairperson Paulson asked for approval of the Minutes of the June 10, 2021, Skyline Public Hearing #1 for the La Honda-Pescadero Unified School District. After a motion by Committee Member McBride and a second by Committee Member You, the CCSDO unanimously approved, by a vote of nine in favor (Bamford, Esselstein, Hilton, Lock, Markind, McBride, Paulson, Tejada, and You), by roll call vote, the Minutes of the June 10, 2021, Skyline Public Hearing #1 for the La Honda-Pescadero Unified School District as presented.

Chairperson Paulson asked for question on or edits to the Minutes of the June 10, 2021, Skyline Public Hearing #2 for the Portola Valley School District and the Sequoia Union High School District. There were none. Chairperson Paulson asked for approval of the Minutes of the June 10, 2021, Skyline Public Hearing #2 for the Portola Valley School District and the Sequoia Union High School District. After a motion by Committee Member Markind and a second by Committee Member Bamford, the CCSDO unanimously approved, by a vote of nine in favor (Bamford, Esselstein, Hilton, Lock, Markind, McBride, Paulson, Tejada, and You), by roll call vote, the Minutes of the June 10, 2021, Skyline Public Hearing #2 for the Portola Valley School District and the Sequoia Union High School District as presented.

### **4. General Staff Report**

Secretary Clay announced that the San Mateo Local Agency Formation Commission (LAFCo) received an inquiry from Gail Hilstrom, who is on the Board of the Woodhill Estates Homeowner’s Association. Their neighborhood is located within the boundaries of Redwood City but is adjacent to the town of Woodside. This is her second request for information about detaching from Redwood City and annexing to the town of Woodside. LAFCo has reported this is not feasible based on LAFCo policies. Ms. Hilstrom also asked about a transfer from the Redwood City School District to the Woodside School District and LAFCo provided contact information. She has not yet reached out to the Superintendent’s Office, but that request may be coming.

### **5. Public Comment**

There were no persons wishing to address the CCSDO.

## **6. Skyline Transfer of Territory; Staff Report**

Secretary Clay reminded that the Superintendent's Office received a transfer of territory petition on April 14, 2021, which was submitted to the Elections Office, California Board of Education, and LAFCo. The petition requests that a single parcel in a territory considered uninhabited along the west side of Skyline Blvd., north of Old La Honda Road, be transferred from the La Honda-Pescadero Unified School District to the Portola Valley School District and the Sequoia Union High School District. Per the territory transfer process requirements, the CCSDO held two public hearings on June 10, 2021, one for each of the affected school districts. The CCSDO members have been provided with a packet including the following information:

- the petition
- the petitioners' presentation slides from the public hearings on June 10, 2021
- the La Honda-Pescadero Unified School District's position statement from the Superintendent and the Board opposing the Skyline Blvd. petition
- a simple table summarizing past petitions regarding the La Honda-Pescadero Unified School District
- a fiscal impact memo written by the Business Department
- a power point presentation on the legal criteria governing territory transfer petitions, including the nine factors for consideration, provided by Deputy County Counsel Fox
- a memo regarding community identity drafted by Deputy County Counsel Fox, because the petition is heavily dependent on community identity

Secretary Clay noted this same information was shared with the districts and the petitioners, but they had very short notice to review the information. Also shared out today were the tax rate area (TRA) maps, which show where parcels surrounding the parcel in question pay their taxes. This does not necessarily mean that the inhabitants attend the corresponding school districts, but it does indicate to whom they pay their taxes.

Secretary Clay stated that staff met with the San Mateo County Assessor's Office to locate historical maps showing which petitions were approved and this process is in progress.

Secretary Clay noted the last day to approve or disapprove the current position, based on Education Code, is 120 days from the public hearings, October 8, 2021. The next regularly scheduled meeting to continue this discussion is on August 9, 2021.

Chairperson Paulson described the short notice for document distribution for some of the meeting attendees and suggested the CCSDO engage in discussion but delay decision making until the next meeting. Deputy County Counsel Fox agreed, and stated that both the La Honda-Pescadero Unified School District and the petitioners would like a more robust opportunity to respond substantively to the information in the packet. He continued that while the CCSDO has agendized discussion and action, it is within the committee's discretion to determine how much more information is requested or needed. He discussed staff's recommendations that more time be given to the petitioners and district to discuss the substance of the issues.

Chairperson Paulson shared a question about whether the Sequoia Union High School District had received information or made any response, and informed that Secretary Clay had been in touch with their Superintendent. Chairperson Paulson asked if there have been additional steps

and if information had reached their Board or if information only goes to the Board after the CCSDO makes their decision. She noted in her experience as a Trustee, if an issue like this was in the works, they would have received informational notice. Deputy County Counsel Fox explained that the process of the CCSDO and staff is to provide information to the district, but he did not believe efforts were made to attend Board meetings to speak during public comment and ensure the Board learns of the petition by means other than through the Superintendent's Office. He stated he was not concerned or surprised that the Sequoia Union High School District did not respond to the petition because in his experience, they generally have not taken a position. He is unsure if the issue was discussed at the Board level and if their internal process provides for discussion by the Board. Chairperson Paulson stated there are concerns because the Sequoia Union High School District has a brand new Superintendent still in transition, however, Secretary Clay has spoken to the new Superintendent's Executive Assistant. Superintendent Magee interjected that the previous interim Superintendent did share with their Board President that the petition was occurring. She shared the district does not have a lot of stake in the matter since it is so far down the line for them, however, the CCSDO can be assured that at least the Board President was made aware of the petition.

Chairperson Paulson asked if there were any questions on the information provided. Committee Member McBride asked if Deputy County Counsel Fox could go over his power point.

Deputy County Counsel Fox shared his power point and began by discussing the following presumption:

- “It is the intent of the Legislature to utilize the organization of districts as they existed on January 1, 1981, and local educational needs and concerns shall serve as the basis for future reorganization of districts in each county.” Cal. Educ. Code §35500
- Effectively, the Legislature has deemed the maps “correct” as of 1981, but changes going forward can be driven by “local educational needs and concerns

Deputy County Counsel Fox described school districts as political communities, highlighting the following key ideas:

- An important thing to consider is that membership in a school district isn't solely a question of where your children attend school
- Also a question of permanent membership in the political community of the school district
  - In which district do I vote for school board members?
  - In which district can I be a school board member?
  - In which district can I vote for or against a bond measure or parcel tax?
- School district territory boundaries aren't just relevant to parents – they are relevant to business owners, landlords, retirees, etc.

Deputy County Counsel Fox explained that the State Board of Education has delegated to local educational agencies, which in San Mateo County is the CCSDO, the task of evaluating proposals to reorganize school districts in relation to statewide factors established by state law. The notion is to not reorganize school districts in a way that harms the state of California in very particular ways, and he outlined the factors for consideration:

1. The districts will be adequate in terms of number of pupils enrolled

2. The districts will be organized on the basis of a substantial community identity
3. The proposal will result in an equitable division of property and facilities
4. The proposal will preserve each affected district's ability to educate in an integrated environment and will not promote segregation
5. Any increase in costs to the state will be insignificant and incidental
6. The proposal will continue to promote sound education performance and will not disrupt educational programs in the affected districts
7. Any increase in school facilities costs will be insignificant and incidental
8. The proposal is not primarily designed to significantly increase property values
9. The proposal will continue to promote sound fiscal management and will not cause a substantial negative effect on the fiscal status of any affected district
10. "Any other criteria as the board may, by regulation, prescribe"

Deputy County Counsel Fox summarized that the theme of the nine factors is as follows:

- "First, do no harm (to us)" — the state of California

Deputy County Counsel Fox next discussed the Prudential Factor in detail, highlighting the following points:

- If the conditions of the nine factors are met, the Board/CCSDO "may" approve a proposal
- Implied: CCSDO may choose not to approve the proposal even if the nine factors are met
- Neither a requirement of approval nor a requirement of disapproval

Deputy County Counsel Fox outlined the Escape Clause in detail:

- The State Board may approve a proposal for reorganization if the board determines it is not practical or possible to apply the criteria literally, and that circumstances provide an exceptional situation sufficient to justify approval

Deputy County Counsel Fox suggested that CCSDO members ask questions about the application of the following elements and rules to the current petition, rather than go through the power point presentation in detail:

- Factor 1: Enrollment
- Factor 2: Community Identity
- Factor 3: Equitable Division of Property
- Factor 4: Ethnic Segregation
- Factor 5: Cost to State
- Factor 6: Education Programs
- Factor 7: School Facilities Costs
- Factor 8: Primarily Designed to Increase Property Values
- Factor 9: Fiscal Status

Deputy County Counsel Fox explained that historically, the CCSDO has addressed each of the nine factors to determine whether CCSDO members felt that factor could not be met. They have done this as a motion and vote on each of the nine factors, but the process could be done in a different way. He stated it is up to the CCSDO to decide how to best get the information it needs. But generally, the CCSDO tried to zero in on which of the factors presented are relevant

issues to a petition. Little time has been spent on factors not implicated by a proposal, allowing more time to discuss relevant factors.

Committee Member McBride referred to the statement under Factor 1: Enrollment that “Factor does not contain the qualifier of ‘significant’ where others do.” He asked if that means if the districts are below the given numbers, it does not have to be significant. Deputy County Counsel Fox replied that this statement relates to a petition transferring territory out of a school district already below the minimum projected enrollment on the date the proposal would be effective. He was hoping it would spark discussion at a future point when presented with the issue about whether there was reason to believe even for school districts already below the minimum, there could not be territory transfers because that would further erode enrollment. Also, the characteristics of the land proposed for transfer are relevant to that, so there is no categorical rule about what the outcome should be, and this was more of a ripe area for discussion about what to do about school districts with extremely low enrollment.

## **7. Remarks Regarding the Skyline Transfer of Territory Petition**

Chairperson Paulson invited key stakeholders to provide any new information.

Mr. Voss shared that his experience in this process has been challenging and difficult to navigate. He asserted that there appears to be some consensus among the districts that children should be able to attend school in the Portola Valley School District and the Sequoia Union High School District, but they seem to disagree on the mechanism for how that should happen. The La Honda-Pescadero Unified School District approved the family’s interdistrict transfer and at their recent Board meeting they indicated strong support to help the family during the San Mateo County Board of Education Interdistrict Attendance Appeal process. They acknowledged there currently are no Sky Londa, the family’s neighborhood, children attending the La Honda-Pescadero School District. Mr. Voss reminded that the Portola Valley School District has stayed neutral in the petition to transfer territory, so it appears to the family that both school districts seem to be acknowledging the family’s dilemma and hardships, and one district prefers the territory transfer and one prefers the interdistrict transfer.

Mr. Voss shared he was glad that Deputy County Counsel Fox discussed the permanentness of the territory transfer in his presentation, because the family is interested in a long-term solution, which they have mentioned in the past. His family believes this is an inherently broken condition that is not specific to their family, but they believe they have a strong case. They read through a previous memo from the State Board of Education which had gone through a reportedly weaker territory transfer geographically, topically, and community-wise, and unanimously went through all nine points and agreed all were matched. Mr. Voss feels his family’s petition is even stronger than that petition in many ways.

Mr. Voss emphasized that his family believes this territory transfer is the best option for their children and the organization of the school district.

Lastly, Mr. Voss stated that he attended the La Honda-Pescadero Unified School District Board meeting and the Board was diligent, engaging, and understanding of the family’s dilemma. He contended that they seem to have a policy to initially oppose any and all territory transfers out of their district. Mr. Voss purported even though Board members may feel bad for a family and

agree with the points given, they are trying to protect their district under any and all circumstances no matter how unique. He shared his opinion that after reading through the La Honda-Pescadero Unified School District's opinions, the weight applied to that is suspect at times when they are basically announcing they will initially oppose any territory transfers, regardless of where the parcel is located.

Hilary Gibson echoed the request to strongly encourage the CCSDO to defer any final action on this petition until the petitioners have more time to review the information received earlier in the day. They have done an initial review but they want the CCSDO to have a full record and robust response from the petitioners on that information. She stated they plan to prepare more detailed comments, but at the moment they would share initial thoughts.

Ms. Gibson noted that the last territory transfer approved by the CCSDO from the La Honda-Pescadero Unified School District to the Portola Valley School District and Sequoia Union High School District involved a territory they believe to be further away from the main district boundaries of the Portola Valley School District. The CCSDO found, she believes unanimously, that all nine criteria were met. Ms. Gibson informed that decision was appealed to the State Board of Education and evaluated thoroughly by the California Department of Education, who completed a staff report and agreed with the CCSDO's opinion that all nine criteria were met. She shared their view that the petitioners' arguments are even more compelling given the geographic location and number of families involved, which is very small, and the outcome should be the same. Ms. Gibson explained she was unsure if the CCSDO members had in their materials the information from the past territory transfer, but they would be happy to provide that documentation from the State Board of Education.

Ms. Gibson referred to the information prepared by Deputy County Counsel Fox on the issue of community identity and shared this is one of the primary bases of the petitioner's argument that the transfer is proper. She contended that based on the statute and corresponding regulations, which Deputy County Counsel Fox highlighted in his presentation, the proposed transfer is fully consistent with all of the criteria to ensure districts are organized on the basis of substantial community identity. They believe the term "substantial" is very important because the weight of the information presented by the petitioners shows that the specific location of their property, the personal experience of their family, and where they are located, shares a substantial community identity with the Portola Valley School District. She contended that their property is isolated from the community of people attending the La Honda-Pescadero Unified School District due to geography and topography. Community, school, and social ties, issues which the regulation speaks to, are all shared with the Portola Valley School District. She also expressed that the distance between the petitioners' home and the schools, particularly in Pescadero, make attendance at those schools prohibitive. Those issues are in line with the criteria captured by those regulations related to what it means to have substantial community identity.

Ms. Gibson spoke to the letter of opposition received from the La Honda-Pescadero Unified School District and stated that the petitioners offer the same point with respect to that letter. On La Honda-Pescadero Unified School District's points about conditions 1 and 4, enrollment and demographics, while they haven't looked at the provided numbers in detail given timing, they offered the high level point that they are talking about one family and a long-term solution and impact. She expressed that the distance to Pescadero is prohibitive and that these are not children who would have been in that school district anyways. In the petitioners' view, the

dispositive point on these conditions is that the transfer of their single property, one family, and a couple of children isn't going to have a meaningful impact on either of these conditions.

In relation to the fiscal information, Ms. Gibson reiterated that they haven't studied the information yet. However, she pointed out that before the family filed the territory transfer petition, they approached the La Honda-Pescadero Unified School District seeking a cooperative solution. In the last similar territory transfer petition, there were fiscal concerns about the impact on the district and the petitioners hoped to seek a cooperative solution that mitigated concerns. She contended that the district was not interested in having that conversation and she encouraged the CCSDO to not give too much weight to those concerns at this point because the concerns did not seem important enough to discuss and the family's only recourse was to file the petition. She emphasized that they tried to make that approach work and work cooperatively with the districts to find a solution, but the district has not been forthcoming. The petitioners would still be interested in revisiting that discussion, but for the district to raise those concerns now after being unwilling and uninterested to discuss them previously, the petitioners hope undue weight is not given to those concerns at this point in the process.

Ms. Gibson summarized that these are initial responses and the petitioners plan to review all information in detail and provide the CCSDO with a similar written response, similar to what has been presented by the La Honda-Pescadero Unified School District. They want to ensure the record is complete on both sides and they respond to the issues raised.

Chairperson Paulson asked CCSDO members to hold their questions so Amy Wooliever, Superintendent, La Honda-Pescadero Unified School District, could speak prior to boarding a flight.

Superintendent Wooliever agreed with Ms. Gibson and the petitioners that the district needs a bit more time to digest the information provided earlier in the day. They also need more time to digest Ms. Gibson's comments and have an opportunity to respond in a meaningful way. She indicated she was joined by Lisa Mateja, a Board of Trustees member from the La Honda-Pescadero Unified School District, who would be able to take notes to move forward if she had to leave the meeting.

Superintendent Wooliever shared that their Board voted unanimously on June 24 to oppose this petition due to the continued erosion of their property tax base through both the boundary transfer process as well as aggressive acquisition of land through Peninsula Open Space Trust, MidPen, and removing land from the district off of the tax rolls. In her position paper, she cited a few factors mentioned by Deputy County Counsel Fox – the adequacy of enrollment, the integrated school environment, and the negative financial impact. Superintendent Wooliever stated the district recognizes this is one parcel, but they are looking at a chipping away of their district through a variety of forces. Their Board opposed the petition not on the needs of the petitioners, but on the needs of the district to maintain the integrity of their property tax base.

Superintendent Wooliever addressed the community identity rationale for this petition and Deputy County Counsel Fox's memo, and shared that every single resident of the La Honda-Pescadero Unified School District would qualify under the community identity rationale based on where they shop, work, and play. It is a rural district, the only rural district in San Mateo County, and the smallest district. There are challenges not understood by "Bayside" districts along the more populated coast and it is not a convenient place to live. They don't have paths of



travel and rural living is inconvenient. They are defined by their beauty and their cohesiveness as a rural community, but also by the difficulties residents face. The district asks that the CCSDO deny this petition, even though the petition makes a valid case for how difficult it is to balance rural life with the everyday world of real life with work and school. Superintendent Wooliever stated she is a working mother and located her children in schools where they can walk because she knows she will not always be around for them after school. The district asks that the community carefully consider the petition with a long view.

Superintendent Wooliever noted that the district is losing their mountain parcels, which is creating great concern. They believe there are established processes for these types of resident concerns such as the interdistrict transfer process, and they are in full support of that, but a long term removal of property based on needs of a family is not amenable to the survival of the school district. She referred to Ms. Gibson's comments that this is just one parcel, which they understand, but they are the county's smallest district with 275 students. They have suffered wildfires and loss of housing and the county takes from the district in terms of beauty, beaches, restaurants, goat farms, and all the wonderful things the district brings to the county. They ask that the CCSDO understand the fragility of the way of life of a rural district and support them in maintaining their property tax base and the opportunity for the mountain community residents to attend their schools in the future.

Superintendent Wooliever reiterated that she agrees with Ms. Gibson that they hope to have the opportunity to provide further response once they've digested all the provided materials.

Chairperson Paulson assured the CCSDO is very comfortable pushing their decision making to the next meeting since the information was not distributed to everyone in an appropriate timeline.

Trustee Mateja echoed that the district's opinion was not related to this particular family, but rather to a forever situation. She expressed that she feels for the family and understands their situation, but she knows when buying property, it is important to know where children will attend school. She agreed rural life is isolated and the community identity in the La Honda-Pescadero Unified School District is rural. By that definition, all members of the community are isolated. Trustee Mateja indicated she drives her children 40 minutes to see their friends on a regular basis, so she doesn't think isolation is a strong reason for the petition.

Trustee Mateja clarified that the Board does not oppose every petition. She referred to Mr. Voss's statement that the Board blanketly opposes all petitions and corrected his statement, explaining that they take each and every situation into consideration with regard to the nine criteria.

Lastly, Trustee Mateja indicated that the interdistrict transfer is the appropriate situation for this particular family and pathway. Moving the entire district line for one family's situation is not sustainable for the district, their budget, and their future. She expressed appreciation to the CCSDO for having to weigh difficult and impactful decisions and thanked them for their work.

Chairperson Paulson asked if CCSDO members had any questions for Superintendent Wooliever. There were none.

Chairperson Paulson asked if CCSDO members had any questions for the petitioners. There were none.

Roberta Zarea, Superintendent, Portola Valley School District, stated that their district continues to maintain a neutral stance on this petition and has no new information to present at this time.

Chairperson Paulson asked if CCSDO members had any questions for Superintendent Zarea.

Committee Member Markind stated it was the committee's understanding that the petitioners submitted a request for an interdistrict transfer, which was denied, and asked Superintendent Zarea if there is a secondary process the family is going through to attempt to get into the Portola Valley School District. Superintendent Zarea confirmed the family applied for an interdistrict transfer, which was denied by the Board of Trustees at their May 27 meeting, and she believes the family has appealed to the county. That hearing is scheduled for July 21.

Chairperson Paulson asked if there were any representatives from the Sequoia Union High School District. There were none.

## **8. Skyline Transfer of Territory Petition Discuss and/or Take Action**

Chairperson Paulson described how the CCSDO agreed they would be discussing, but not taking action, because of the mistake in the distribution of information items. She asked if there were any further questions.

Committee Member McBride stated it had been asserted that this petition was a stronger case than the last petition. He asked Deputy County Counsel Fox if the CCSDO is bound by precedent. Deputy County Counsel Fox replied that is a question that keeps coming up and will continue to come up in the CCSDO's work. On one hand, each petition has merits of its own and should be evaluated on its own merits, but there is also a contrary argument that the CCSDO members are educational administrators administering a function of the state of California's public school system, and the effects of their decisions include the long-term incentives created or trends participated in. He indicated he has done his best to explain the pros and cons of each of those views, but it is a political question for the CCSDO members to determine whether they believe that a concern for consistency and precedent is persuasive to them. Deputy County Counsel Fox stated he has declined to give firm legal advice that they must consider precedent, but he believes they can. This cuts both ways in many cases, for example Ms. Gibson made an argument that the approval of a petition in the past is a persuasive reason to take action on this petition. However, that is essentially an argument to persuade and it is not a legal compulsion to optimize for consistency on the CCSDO's part. The CCSDO's job is to optimize for what they consider to be consistent with local educational needs and concerns. That may change over time and they may want it not to change over time and be consistent. Deputy County Counsel Fox summarized this was a long way of saying the CCSDO could go either way.

Committee Member Lock asked Deputy County Counsel Fox to expand on community identity and the idea of "substantial" versus identifying with a community. Deputy County Counsel Fox explained this is an area ripe for discussion for the CCSDO when they feel ready to do so, either that evening or at a meeting when they take action. The definition of community identity is quite "mushy" and isn't driven by hard geographic or economic factors. It is more of a "gut decision"

about whether the boundaries have been drawn consistently with community identity and whether the CCSDO feels the identity they are pointing to is a reason the action is sustainable and enough to cause people to act collectively in support of their public schools. He emphasized he does not believe the CCSDO needs to show there is a substantial community identity in the status quo. In other words, the question isn't whether the present day boundaries are consistent with a community identity, it is really only a prohibition on drawing new boundaries that are inconsistent with community identity. The CCSDO is being directed by the state to ensure lines are drawn in a way that mirrors some sort of sociological reality where people feel connected to each other. They should not do something extreme such as take a neighborhood where all the houses and family demographics are exactly the same and split it down the middle to attempt to get equal populations between school districts. There needs to be something to point to in redrawing boundaries as to why it is consistent with a substantial community identity, but this can be any such identity.

Committee Member Lock asked if initial boundaries were drawn in the 1980s with the presumption that they are correct in established communities. Deputy County Counsel Fox confirmed this was partly correct. He explained the boundaries weren't drawn in 1981 but they were drawn in some form back in the 1890s and changed over time, changing drastically in some cases. For example, the La Honda-Pescadero Unified School District is the creation of the merger of roughly six different former school districts. In 1981, the state declared a genesis and that the state of school districts on January 1, 1981, is presumptively correct so there are no arguments about whether they are fixing errors. Saying the school district boundaries are erroneous is wrong according to the legislature. The question focuses on the fact that they are correct and whether there is a good reason to change them. Deputy County Counsel Fox explained in 1981 the legislature said they would stop arguing about whether borders were right or wrong, but instead moved to consider changing them based on local educational needs and concerns. He indicated there is still a lot of ambiguity in what is being done.

Committee Member Esselstein asked Deputy County Counsel Fox about how to evaluate the racial impact and how that potentially relates to the community standard, because she feels there is potential overlap. She also wondered if the size of the school district, and number of people versus the potential impact of the application, plays a role. Deputy County Counsel Fox discussed how "the reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation." The state wants the CCSDO to analyze if the reorganization is approved, in this case the transfer of territory, will that action preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation. He suggested consideration of whether a parcel transfer from the La Honda-Pescadero Unified School District to the Portola Valley School District and Sequoia Union High School District will preserve each district's ability to educate students in a racially integrated environment. The conclusion may be reached that allowing the transfer to occur won't substantially change in any real way the ability of the districts to provide a racially integrated educational environment. The CCSDO may conclude either the territory transfer won't impact the ability of the districts to educate students because it doesn't involve the transfer of a great number of students from one district to another in a way that demographically produces greater racial isolation, or that from a demographic standpoint, the removal of parcels in this area, of this size, or of this market value will have the long-term effect of preventing the La Honda-Pescadero Unified School District from providing a mix of students in terms of the racial demographics of the student body. Both are valid ways of looking at the question. Either

moving one parcel from one school district to another is unlikely to change the ability of a school district to provide an integrated setting or over time, the trend has the effect of producing racial isolation for students in the center of the La Honda-Pescadero Unified School District who are unlikely to ever present a petition to transfer territory. Demographically removing parcels from the edges may be removing a rich source of racial diversity from the La Honda-Pescadero Unified School District over a vast time scale.

Committee Member Esselstein asked if there was specific evidence or support the CCSDO should be considering or seeking from staff, the petitioners, or the involved school districts. Deputy County Counsel Fox responded that the CCSDO could ask for information from staff or the school districts about the trends experienced in the racial identities of student bodies to see if there has been a change over time. The CCSDO could ask if there is data available about whether students formerly attending the La Honda-Pescadero Unified School District who now attend the Portola Valley School District under past territory transfers had particular demographic or racial characteristics which would be of concern. There may be census-level information available on those living in homes on the borders of each school district which may help the CCSDO understand if adding territory from one district or removing territory from another district might have a racial impact over time, which may help aid their decision. Deputy County Counsel Fox explained the California Code of Regulations' gloss on this particular factor isn't well calibrated to talking about individual parcels transferring territory, so statistical level information may be interesting but not necessarily determinative. Anecdotal evidence about who has lived in particular homes may not be a valid decision-making tool. However, the CCSDO could ask if the La Honda-Pescadero Unified School District has found that racial isolation has grown over time and whether adding those who live outside the borders would add to racial diversity.

Chairperson Paulson noted that the language discussed by Deputy County Counsel Fox was very focused on racial and ethnic diversity and asked if a district's socioeconomic diversity should be considered. She discussed how this has come up in past discussions about families leaving districts and taking their knowledge, expertise, Parent Teacher Student Association (PTSA) support, and financial support with them. Deputy County Counsel Fox responded with the passage of Proposition 209, the state's educational institutions have shifted away from thinking and talking about students from a racial perspective and focused instead on socioeconomic factors as being significant to educational equity. The constitutional duty of school districts is to provide a racially integrated environment but there is no constitutional duty to provide a socioeconomically integrated educational environment. As a school district lawyer, he is primarily, but not solely, concerned with arguments which relate specifically to race and not socioeconomic status because the socioeconomic question can cut both ways. There is a way in which the community identity factor is a one way ratchet for people to identify with the socioeconomic peers they have and wish to partner with in education. In some sense, the community identity factor can push toward approval of a petition or can be a source of concern for the CCSDO and a reason to not approve. Deputy County Counsel Fox summarized that is not expressly a factor, but could be an issue of concern if it may impact the ability to educate quality programming. It is not an impermissible factor to consider, but it is not constitutionally prohibited that the CCSDO draw boundaries that cause people to sort themselves into socioeconomic categories which are reflective of non-racial factors.

Committee Member Bamford referred to the law change about who can appeal the CCSDO's decision and discussed how in her experience, the CCSDO analyzed the nine points and voted.

However, even if there is agreement that all nine points are one way or the other, the CCSDO can still vote in the opposite direction. She asked if she was correct in her understanding that if the CCSDO denies the petition, there is no an appeal process, but if they grant the petition, there can be an appeal. Deputy County Counsel Fox confirmed she was correct, as there was a change in state law from the previous year. Approvals of territory transfer petitions are appealable to the State Board of Education but denials are no longer appealable. Committee Member Bamford asked about options for petitioners whose appeals are denied. Deputy County Counsel Fox indicated the petitioners are entitled to an up or down vote on their proposal and state law provides for CCSDOs to evaluate the proposal made. There may be reasons why a proposal doesn't meet the standards of the CCSDO, allowing the petitioners to make a different proposal which doesn't raise the same concerns. But he was unable to come up with a set of options for petitioners without knowing the specific concerns.

Chairperson Paulson referred to the maps and asked about color coding. Secretary Clay reported that she looked up parcels online and the yellow parcel is the parcel in question while the blue underneath is multiple parcels in the same tax rate area. This gives the district line based on how people are paying their taxes, but may not indicate where people attend school. The colored areas are different tax rate areas, made up of multiple parcels. Chairperson Paulson requested a zoomed-out version of that particular map in order to see up to the corners.

Chairperson Paulson indicated if the CCSDO agrees with the petitioners, they will have a parcel surrounded on three sides by a different school district and there has always been discussion about not creating "islands." Deputy County Counsel Fox stated in his judgement, it would not create an island to transfer this territory. Chairperson Paulson noted there is a different school district across the street. Deputy County Counsel Fox clarified it would not create an area completely detached because the roads, while not colored in, are within the territory of the school district. There would be a peninsula extending across the road, but not an island.

Chairperson Paulson asked if CCSDO members needed any further materials. She referred to the earlier request for information from La Honda-Pescadero Unified School District staff about racial diversity issues and the CCSDO confirmed they would like to have this information. Secretary Clay confirmed she would request this data from the La Honda-Pescadero Unified School District.

Committee Member McBride stated it would be helpful to know the budgets of the La Honda-Pescadero Unified School District and the Portola Valley School District in the context of the earlier discussion of transfer dollars. Chairperson Paulson asked if per pupil spending was needed. Secretary Clay asked for clarification of what was meant by "budget." Committee Member McBride indicated he would like to have the total budget or total revenue, and the budget per student would be helpful, too.

Committee Member You referred to Superintendent Zarea's comments that the Portola Valley School District's Board unanimously denied the interdistrict transfer request at their May 27 meeting, but that request is scheduled for appeal to the county on July 21. She asked if that appeal was to the San Mateo County Board of Education. Superintendent Zarea indicated this was correct. Committee Member You commented at the next CCSDO meeting there will be information on whether or not that appeal was upheld. Chairperson Paulson confirmed the CCSDO will know the decision made by the San Mateo County Board of Education about whether the interdistrict transfer will be allowed. However, she knows the petitioners are

seeking a permanent solution. The decision by the San Mateo County Board of Education would be a point of information for the CCSDO, and if the petitioners are granted a territory transfer and are happy, they can decline further services from the CCSDO. Committee Member You asked if the interdistrict attendance appeal is granted, whether the petitioners would still continue seeking a permanent solution. Ms. Gibson confirmed the petitioners are seeking a long-term solution since the interdistrict transfer would need to be renewed yearly and is not a long-term fix.

Chairperson Paulson asked Ms. Gibson to explain about the interdistrict transfers being renewed yearly. Ms. Gibson described how interdistrict transfers occur for each school year and renewed applications would need to be submitted each year, which could be denied by the school district. Families may need to go through the appeals process each summer and not have confirmed school placements, which is a stressful situation.

Committee Member Esselstein thought a law was passed making interdistrict transfers permanent, not for the high schools but for the elementary schools. Deputy County Counsel Fox recalled these transfers are valid until students complete the educational program in the school to which they are assigned. For example, interdistrict transfers granted in elementary school would need to be reapplied for in middle school. He believes this is the current state, but he will research the topic and report back at the next meeting.

Chairperson Paulson asked for confirmation that the Portola Valley School District is an elementary school district and Ormondale is a junior high school, and whether the Portola Valley School District goes through eighth grade. Superintendent Zarea confirmed that Ormondale Elementary School is TK-3<sup>rd</sup> grade and Corte Madera School is 4<sup>th</sup> – 8<sup>th</sup> grade.

Committee Member Esselstein referred to the Portola Valley School District turning down the interdistrict transfer, but being neutral on the territory transfer, and asked Superintendent Zarea to provide a distinction on those positions. Superintendent Zarea stated the Board policy on interdistrict transfers specifically points to the enrollment in each grade level. When they are within 10% of a specified number of students per grade level in a class, they have the ability to deny interdistrict transfers in order to maintain space for students who live within their school district boundaries. The Board objectively denied the interdistrict transfer based on Board policy and kindergarten enrollment. She indicated it is district practice to take a neutral stance on petitions for territory transfers because they believe it is in their best interest and will allow the process to play out. If the CCSDO approves the territory transfer, they will welcome the family with open arms, and if not approved, they will respect and go along with the decision.

Committee Member Esselstein asked if the interdistrict transfer is granted by the San Mateo County Board of Education, and the petitioners abandon the territory transfer process, whether they are forever barred from submitting a petition again. She also asked if a different property owner can submit a petition, how many petitions can a petitioner make, and if there are rules for how often the CCSDO can see petitioners come back on a given matter. Deputy County Counsel Fox replied that he would research these questions further but there is usually a one year time bar for certain matters to avoid getting stuck in an infinite loop of repeating hearings. He assured he will research the exact time bar, which he believes may be one to two years but not forever. There have been unsuccessful petitions brought back under changed circumstances which were then approved.

Ms. Gibson corrected herself, stating she was unaware the law on interdistrict transfers had changed so recently with the last legislative session becoming effective this year. She asked that attendees not attach too much weight to her information shared earlier, which was based on old understanding of the law which recently changed. Ms. Gibson discussed the need for a refreshed understanding on the current state of affairs.

Chairperson Paulson referred to the request for information from the La Honda-Pescadero Unified School District about loss of parcels for students or families on the edge of the district in the mountain area, and whether this would create further racial issues. She discussed chipping away and if the transfer is approved, there will be a large chunk of Skyline Blvd. in between two parcels of the Portola Valley School District and the Sequoia Union High School District. Chairperson Paulson tasked Trustee Mateja with that request. She acknowledged they are a small district with a small staff and stated she doesn't want to ask for something which takes a huge amount of staff time. Trustee Mateja assured the district could gather this information, and clarified that the CCSDO wants the current racial make-up of the district and the census data for the mountainside area. Chairperson Paulson confirmed this was correct, discussing past transfers and how they affected racial and ethnic diversity. She indicated the socioeconomic designation is also important. Trustee Mateja said she could obtain exact numbers on these statistics and explained that area is a higher tax rate with much larger and more valuable properties than the lower area of the district. She stated the map pulled up earlier spoke to that issue.

Committee Member Esselstein asked for racial statistics for both school districts, stating it might be valuable to see the Portola Valley School District's boundaries as they've grown. The map focuses on the parcel and the areas around it, but the CCSDO should see how the Portola Valley School District has grown, as well. Chairperson Paulson explained in the document provided by the La Honda-Pescadero Unified School District, on page 4 or 5 was a small diagram comparing the racial/ethnic make-up of both districts. She asked if more details were requested. Committee Member Esselstein stated not unless the school districts think more information would be valuable or if there was more information they would like to provide.

Chairperson Paulson explained that Ms. Gibson said they would provide prior documentation, but they do not need to do that. The CCSDO page on the SMCOE website includes past minutes for the last few years.

Secretary Clay reported the next scheduled meeting is August 9, 2021. Chairperson Paulson noted most CCSDO members indicated they would be attending and her assumption was that it would be a Zoom meeting.

## **9. Member Comments**

Committee Member McBride acknowledge the hard work of Deputy County Counsel Fox and Secretary Clay, which has been extremely helpful. Chairperson Paulson thanked Secretary Clay for digging through the tax records.

## **10. Adjournment**

Chairperson Paulson adjourned the meeting at 8:46 p.m.