

San Mateo County Committee on
School District Organization (CCSDO)
Regular Meeting
Monday, August 9, 2021

APPROVED MINUTES

Date: August 9, 2021

Place: Held Remotely via Zoom

County Committee on School District Organization Members Present:

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

County Committee on School District Organization Members Absent:

Greg Dannis, Maria Hilton

Staff Present

Niambi Clay, Secretary
Timothy Fox, Deputy County Counsel

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

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 7:03 p.m. and welcomed those present.

2. Approval of Agenda

Chairperson Paulson asked for a motion to approve the agenda for the August 9, 2021, meeting. After a motion by Committee Member Markind and a second by Committee Member McBride, the CCSDO approved, by a vote of eight in favor (Bamford, Esselstein, Lock, Markind,

McBride, Paulson, Tejada, and You), two absent (Dannis, Hilton), and one abstention (Thompson), by roll call vote, the August 9, 2021, agenda as presented.

3. Approval of Minutes

Chairperson Paulson asked for questions on or edits to the Minutes of the July 12, 2021, regular CCSDO meeting. Several members of the CCSDO expressed confusion about references to Trustee Mateja, which were clarified as referring to Lisa Mateja, Trustee, La Honda-Pescadero Unified School District School Board. Chairperson Paulson asked for approval of the Minutes of the July 12, 2021, regular CCSDO meeting. After a motion by Committee Member Esselstein and a second by Committee Member Tejada, the CCSDO approved, by a vote of eight in favor (Bamford, Esselstein, Lock, Markind, McBride, Paulson, Tejada, and You), two absent (Dannis, Hilton), and one abstention (Thompson), the Minutes of the July 12, 2021, regular CCSDO meeting as presented.

4. General Staff Report

Secretary Clay announced on July 12, 2021, Larry Shirey at the California Department of Education (CDE) sent out an update that included information regarding pending legislation. Two of the bills highlighted in that message have now been signed by the Governor. She assured she would will send out more detailed information, background, and links for both bills but wanted to share the highlights of each.

Secretary Clay informed that Assembly Bill (AB) 130 provides greater local control over the lapsation process and eliminates the necessity for school districts to submit waiver requests to the State Board of Education (SBE) to remove conditions and requirements related to that process. This change went into effect immediately upon signature by the Governor on July 9, 2021. Senate Bill (SB) 442 removes the requirement that school district proposals to establish by-trustee-area methods of election for governing board elections be submitted to district voters for approval. If proposals are approved by the CCSDO and are in response to California Voting Rights Act (CVRA) concerns, that requirement is removed. The bill also allows the CCSDO to approve proposals from districts whose governing boards are provided for in a city charter. The new provisions of SB 442 go into effect on January 1, 2022.

Secretary Clay updated that while CCSDO materials are available to the public, currently there is no location where they are posted. The Superintendent's Office is looking to establishing BoardDocs for use by the CCSDO and the public, as is done with the San Mateo County Board of Education.

Deputy County Counsel Fox informed that the San Mateo-Foster City School District received a demand letter under the CVRA several months ago and initiated a process to convert to by-trustee area elections. This has received coverage in the newspapers because the city of San Mateo is going through the same process. He alerted the CCSDO that the district is in the maps review process and held their first public hearing on the maps on Friday evening. They will have their last meeting on the maps in August and are targeting the September CCSDO meeting date

for approval of their transition to by-trustee area elections. Because they are operating under the demand letter process, timelines are very short, and they are expecting to meet their benchmarks, which includes seeking approval at the CCSDO September meeting. Chairperson Paulson asked if that process was in regards to the San Mateo-Foster City School District, which Deputy County Counsel Fox confirmed was accurate. Chairperson Paulson asked about the city of San Mateo. Deputy County Counsel Fox clarified that the city of San Mateo does not come before the CCSDO, but both the city and school district are operating on parallel tracks, and there has been confusion from members of the public about why the process is different for schools. The answers are all found in the Education Code. The City Council takes final action with regard to the city process, but for school districts, the School Boards approve the plans for transition to by-trustee area elections, including both the proposed maps adopted by the Board and the schedules for the order in which the seats will come up for election.

5. Public Comment

There were no persons wishing to address the CCSDO on topics not associated with the Skyline transfer of territory.

6. Skyline Transfer of Territory; Staff Report

Secretary Clay reviewed all documents and links shared with the CCSDO related to the Skyline territory transfer, which included the following:

- Response letter, including exhibits, from the petitioners sent after the July meeting
- Sequoia Union High School District 2022 adopted Budget
- Sequoia Union High School District student enrollment projections, narrative, maps
- Sequoia Union High School District group enrollment data
- Portola Valley School District 2022 Budget
- Portola Valley School District group enrollment data
- La Honda-Pescadero Unified School District 2021-2022 Budget
- La Honda-Pescadero Per Pupil and Demographics
- La Honda-Pescadero Student Group Enrollment
- CCSDO emails with document list, links, district maps, parcel maps
- criterion for Skyline Petition August 2021

Chairperson Paulson asked if the orange parcel was the parcel in question in the Skyline territory transfer, which Secretary Clay confirmed was accurate. Chairperson Paulson asked about the light green areas adjacent to the orange parcel. Secretary Clay indicated those areas refer to green open spaces.

Committee Member Markind asked about the timeline of the previous territory transfer of the large number of parcels. Deputy County Counsel Fox explained that petition was filed in 2014 but took many years to complete the process. Secretary Clay added she believed the process took five years.

Deputy County Counsel Fox shared that historically, the CCSDO has conducted these deliberation meetings by engaging in a discussion about the nine factors required by the Education Code to be considered in relation to a territory transfer petition. The CCSDO has gone through a formal process of calling up each of the nine factors, asking whether there is a need to discuss that particular factor in greater detail, and then calling for a vote on that factor. Each factor fails or passes and the CCSDO moves on to the next factor. The last action of the meeting is the prudential factor, questioning whether the territory transfer should be approved as a whole, which is brought up as a separate motion. Essentially, votes are broken into ten individual motions and votes. However, that process was developed pre-COVID at a time when meetings were not held remotely, there was no need for roll call votes for each item, and is not legally required. That was simply a way the CCSDO historically ensured all nine factors were addressed. Deputy County Counsel Fox discussed that there are different formats for conducting the discussion and disposing of questions. He suggested an equally legal solution under the circumstances would be a free-form discussion about concerns, impressions, and statements, and determining whether a motion could dispose of any non-controversial aspects of the proposal. Deputy County Counsel Fox explained that in the process of taking ten individual votes, there are items which are not controversial. He discussed identifying the portions on which to focus and discuss, disposing of factors which do not require discussion in a single motion. This could be compared to the use of a Consent Agenda as a technique for bulking items together for action on non-controversial items.

Committee Member You asked if members needed to limit their concerns solely to the nine factors, or if they could discuss outside concerns. Deputy County Counsel Fox explained the CCSDO is asked as part of the tenth factor, the prudential factor, to discuss whether the proposal is in the best educational interests of the county schools and students. Therefore, they can discuss anything relevant to whether the proposal should be approved or denied.

Committee Member McBride asked if the CCSDO was obligated to follow precedents. Deputy County Counsel Fox rephrased the question as whether they had to be consistent with precedents. He explained his interpretation of the rules being administered is that the CCSDO can take into account both a forward-looking and backward-looking view of the effect of their decisions. He emphasized the CCSDO is not a court of law and is not obligated to make consistent judgments or rulings. The role of the CCSDO is not to analyze whether a petition is the same as previous petitions. Deputy County Counsel Fox noted when individuals believe past action is favorable to their argument for why a petition should be approved or denied, they want to discuss the importance of consistency and precedent. When opposing arguments are presented, the question shifts to how every petition has to be regarded on its own merits. He stated it is fair for the CCSDO to consider the effect of the decision they are being asked to make prospectively and ask whether they are doing something different than what was done in the past, and if so, why. If there is a good reason to do something differently, it is not a problem. Deputy County Counsel Fox summarized that precedent is not binding but can be informative as to what policy the CCSDO is trying to effectuate and whether it makes sense to stick with that policy or pivot and do something new. This presents the opportunity to have a discussion in relation to other territory transfer petitions but there is no obligation to ensure the CCSDO is acting consistently with how previous petitions were resolved.

Committee Member McBride asked if there could be a situation where the CCSDO votes “yes” on all nine factors but denies the petition. Deputy County Counsel Fox replied that the policy of the state is that no territory transfer should be approved if it has any of the effects listed in the nine factors. He discussed the notion of “first do no harm” to the state of California and how the SBE is trying to administer this process in a way that local agencies can’t take actions that impose negative burdens on the educational system as administered by the state of California. The CCSDO has the latitude to do what they think is right, but the nine factors are there as guardrails to ensure they are not doing something that is right locally but wrong for the state. Deputy County Counsel Fox explained it is not really applicable in San Mateo County for complicated financial reasons. He described how the state of California would like the CCSDO to not grant any territory transfer petitions which increase the burden on the State School Fund. Transferring territories repeatedly or in large chunks could have the effect of making a Local Control Funding Formula (LCFF) district less capable of generating local revenue, for example by allowing territory transfers which leave behind only tax-benefitted properties or those paying low property taxes but generating a large number of students, putting the district deeper into LCFF and further from basic-aid status. Deputy County Counsel Fox explained the goal of the state is to ensure districts are as locally funded and economically sustainable from local property taxes as possible. He shared another goal of not granting any petitions that reduce districts’ abilities to educate students in an integrated environment.

Deputy County Counsel Fox spoke about the consistency the State Board of Education (SBE) may be looking for on appeal. He discussed how if one of the nine factors was violated, but the CCSDO votes to approve the territory transfer, the SBE could overturn the decision. His recommendation was to make the findings in the factors as provided, and if the CCSDO is inclined to vote differently, there should be a conversation about how to best accomplish that procedurally.

Committee Member McBride asked for confirmation that if the CCSDO denies a petition, there is no appeal. Deputy County Counsel Fox confirmed that was accurate, clarifying there could be a situation where one of the factors was violated but the CCSDO approves the petition, which could be appealed to the SBE by anyone, likely by one of the districts.

Committee Member Esselstein asked if there was additional information about the ability of petitioners to bring back denied petitions, since they cannot be appealed. Deputy County Counsel Fox responded that the statute which changed the appealability rule is roughly a year and a half old, so there is not a lot of guidance of how that would affect the ability to bring back a petition. He didn’t believe there was a time window in which denied petitioners are precluded from resubmitting a new petition even with modified terms or affected properties.

7. Remarks Regarding the Skyline Transfer of Territory Petition

Mr. Voss asked if the CCSDO had received the petitioner’s letter with plenty of time to review. Chairperson Paulson confirmed it had been received in multiple formats. Mr. Voss reviewed the letter in detail, addressing each of the factors below in relation to his family’s petition and focusing on the most relevant factors.

- The reorganized districts will be adequate in terms of number of pupils enrolled
- The school districts are each organized on the basis of a substantial community identity
- The proposal will result in an equitable division of property and facilities of the original district or districts
- The reorganization of the school districts will preserve each affected district's ability to educate pupils in an integrated environment and will not promote racial or ethnic discrimination or segregation
- Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization
- The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected districts
- Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization
- The proposed reorganization is primarily designed for purposes other than to significantly increase property values
- The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the affected district

Mr. Voss then highlighted the maps contained in the letter and purported that their parcel has nothing to do with the La Honda-Pescadero School District and everything to do with Sky Londa and the Portola Valley School District. He claimed the boundary line is not simple with hundreds of individuals in the Portola Valley School District and zero in the La Honda-Pescadero Unified School District. Mr. Voss stated that the previous territory transfer further isolated his parcel which is surrounded by a robust, dense, non-rural community filled with many families attending the Portola Valley School District. Chairperson Paulson asked about the black x markers on the map. Mr. Voss replied those are the remaining parcels still assigned to the La Honda-Pescadero Unified School District. He indicated his parcel is extremely far from other families and population centers which attend the La Honda-Pescadero Unified School District, but is close to parcels mainly assigned to the Portola Valley School District. His family benefits from inclusion in the robust Portola Valley School District community but strangely and objectively is not assigned to that school district.

Committee Member Tejada asked if there were or ever have been residents in the parcels with the black x markers, and if so, where they sent their children. Mr. Voss replied that one of these residents uses the parcel as their second home and it is not their primary residence. There is another parcel which the company owners have attempted to market and build out, but they have failed to sell it for 15 years. A third property did attend Portola Valley School District schools, likely through interdistrict transfers or another mechanism. Mr. Voss claimed for these parcels, historically there has never been attendance in the La Honda-Pescadero Unified School District and there is no interest in future attendance in either school district.

Committee Member Markind asked about the decision on the family's interdistrict attendance appeal. Mr. Voss informed that the San Mateo County Board of Education denied the transfer request. He stated he believes the County Board leans towards district needs and did not want to interfere with the Portola Valley School District's policies. There is no further appeal the family can make. Committee Member Markind summarized that the family appealed to the County Board and the appeal was rejected. Mr. Voss added the appeal was based on class size, and the

district was worried about class size shifts and an influx of students due to COVID-19.

Committee Member Markind asked if when purchasing their property, the family was fully aware that the parcel was assigned to the La Honda-Pescadero Unified School District. Mr. Voss pointed out it was not clear nor intuitive that the property was assigned to the La Honda-Pescadero Unified School District and discussed the irrationality of the lack of community with that district.

Committee Member McBride brought up the potential money transferring with the parcel. Mr. Voss spoke about factor nine, discussing cost. He indicated this was a single parcel and the family tried their best to mitigate these concerns. Ms. Gibson added issues about movement of property tax revenue from one district to another in the context of the territory transfer were addressed in that factor.

Committee Member McBride asked about the mitigation attempts. Mr. Voss claimed that previous territory transfers had offered the La Honda-Pescadero Unified School District ten years of property tax revenue in a lump sum payment. His family offered that and more in a formal letter, with their concern being more about community. They are dual income earners and hoped to ensure the district would not feel any pain for a substantial period of time due to property tax losses. A minimum of ten years of mitigation was on the table. Ms. Gibson added she has participated in many territory transfers structured in a variety of creative ways to help seek cooperative solutions to mitigate concerns. Ideas were placed on the table for discussion with the La Honda-Pescadero Unified School District to address their concerns, but specifics were not discussed. She purported the district was not interested in having those conversations on a formal level.

Committee Member Markind asked about how the family is proving that changing their parcel will not facilitate further chipping away of district boundaries. Mr. Voss referred to the maps and claimed they are not opening any new doors. Previous territory transfers potentially allowed parcels to the south to claim “me too.” His parcel does not open such opportunities for even a single parcel. Committee Member Markind asked how the petitioner’s request for a territory transfer doesn’t chip away at the boundary. Ms. Gibson explained it is the petitioner’s view that the approval of this territory transfer would not facilitate a slippery slope and open the door for other petitions. Chairperson Paulson suggested this conversation be continued in the next agenda item.

Amy Wooliever, Superintendent, La Honda-Pescadero Unified School District, referred to her letter addressing the nine criteria and stated the Voss family also addressed the district’s position on each criterion. She stated the CCSDO has a heavy responsibility for setting boundaries and each territory transfer chips away at the boundary. The last petition in which 30 parcels were removed from the La Honda-Pescadero Unified School District assured the CCSDO there would be no further chipping away and no other parcels would be affected. Territory transfers create more homes which feel isolated and she hopes the CCSDO will consider the nine criteria very carefully and decide how to set boundaries for their district, because the chipping away will not end.

Superintendent Wooliever agreed this territory transfer involves one parcel, which will never show a significant negative fiscal impact, but continued chipping away at boundaries will do so.

Superintendent Wolliever addressed the mitigation impact and said the district wants to go through this process. The CCSDO should make the decision about boundaries because that is their role and responsibility. The district did take a cash payout in the last petition because it had gone on for six years, they were going into an election, and they weren't up for the fight. She said they accepted a generous donation to mitigate the impact of moving those parcels out of the district. This is not their preferred method for establishing boundaries and they prefer the CCSDO to take on this role. They leave the decision in the CCSDO's hands and hope the criteria will be carefully considered. Superintendent Wolliever asked the CCSDO to consider who may move into the homes with black x markers over the next few years because these decisions are permanent for families who have real, but temporary needs.

Roberta Zarea, Superintendent, Portola Valley School District, stated on behalf of the district's Board of Trustees, the district maintains a neutral position in regards to this territory transfer petition. They defer to the CCSDO for their decision making in the process.

Committee Member McBride asked how many students in Sky Londa attend the Portola Valley School District on an interdistrict transfer. Superintendent Zarea stated she knows of one student but would need to double check to be certain. Superintendent Wooliever stated she knows her district does have transfers to the Portola Valley School District. Superintendent Zarea corrected that her district does not have any interdistrict transfers from Sky Londa and the student to which she referred is part of a territory transfer and is a student of the Portola Valley School District. There are zero students on interdistrict transfers from Sky Londa.

Committee Member Lock referred to the Voss family's interdistrict attendance appeal and asked about the position of the Portola Valley School District in front of the San Mateo County Board of Education. Superintendent Zarea summarized their position, on behalf of their Board, was that the Voss family did not demonstrate that they were eligible for a transfer based on the factors the Board considers. She discussed the pending territory transfer petition and the family's assumption that the petition would be granted and they would become residents of the Portola Valley School District. But that outcome is not guaranteed and they may remain in the La Honda-Pescadero Unified School District. There will always be families who live on the border of two school districts and their district cannot accommodate all families who live just outside the boundaries and prefer to attend the Portola Valley School District instead of their districts of residence. Superintendent Zarea explained that the family also claimed hardship in obtaining supervision for their child and while the district was empathetic, that situation is not unique and many parents work a significant distance from their child's school. It did not appear to the district that the family had explored all possible options for getting their child to and from the elementary school. The district asserted that the Voss family had not demonstrated that they were eligible for the interdistrict transfer. She informed that the San Mateo County Board of Education agreed and upheld the district's denial.

Committee Member McBride questioned Superintendent Zarea about the district taking a position with the County Board, but remaining neutral throughout the territory transfer process. Superintendent Zarea explained that the district's Board Policy 5117 regarding interdistrict

transfers clearly outlines an objective measure for approving or denying interdistrict transfers. Based on class size, the district stated they were unable to accommodate another student at the given grade level. In assessing the claims in the family's case, the district had objective grounds for initially denying the transfer. In regards to the territory transfer, since there is a body which deliberates and makes this decision, the district defers to that process which is allowed and called for and in Education Code.

Chairperson Paulson confirmed there were no representatives present from the Sequoia Union High School District. She asked if any written materials had been received from that district. Secretary Clay confirmed they had sent materials regarding their budget but had not provided a position statement.

Committee Member McBride related he had found out that only the Board President at the Sequoia Union High School District knew about the territory transfer, and the rest of the Board was never made aware.

Chairperson Paulson confirmed there were no members of the public wishing to make comments or ask questions.

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

Chairperson Paulson discussed how the CCSDO would consider the nine factors, along with the additional tenth factor, and then view the petition as a whole. She asked if it would be appropriate to group the factors for which there were no concerns and identify the factors which were likely to be kept on the table. Committee Member Markind expressed confusion about the difference between criteria 1, the reorganized districts will be adequate in terms of number of pupils enrolled and criteria 9, the proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

Committee Member McBride suggested the CCSDO go through each factor and ask if any members have an issue with that factor, in which case it would remain under consideration. Deputy County Counsel Fox stated as long as a motion will take action on each item, it is acceptable to order the discussion in that way. But an enforceable action cannot be created by asking if anyone has an issue with a factor because that doesn't comply with the requirement to have a vote under the Brown Act. There must be a formal motion to take a particular action, such as make a negative or positive finding for a list of factors. Chairperson Paulson clarified that even if an action is taken that evening, the resolution will come back to the CCSDO at a future meeting to be processed legally and appropriately. Deputy County Counsel Fox recommended that when the CCSDO takes action, that be given in the form of a direction to staff to bring back a written resolution for adoption. There does not have to be another hearing, but the goal is to memorialize the action of the CCSDO as the vote is taken because there is additional legal work to be done to effectuate the action under the California Environmental Quality Act (CEQA) and to create a concrete proposal for what the petition accomplishes. Deputy County Counsel Fox explained if the CCSDO votes to transfer this territory, the property will be subjected to the parcel taxes of the Portola Valley School District and the Sequoia Union

High School District. Typically, if there is an election, that is a ballot question, but since there won't be an election, that has to be effectuated as part of the transfer.

Deputy County Counsel Fox then addressed the difference between criterion 1 and criterion 9. He described the difference as nuanced, with criterion 1 glossed by the concept that a school district has to have a threshold number of students which, according to the state, is adequate to conduct an effective educational program. That may have a fiscal component, but the issue is larger, with different thresholds for elementary districts, union high school districts, and unified districts. One criterion focuses on the number of students and the other is focused on the fiscal condition of the school district, which could be excellent even with a low number of students. Once a district tips into basic-aid, a lower number of students is good fiscally. The state of California wants an adequate number of students in each school district so it does not end up administering micro-districts with a single school house as a separate educational agency. One criterion is hyper-focused on the fiscal stability of a school district and the other is focused on whether a group of families is large enough to justify having its own School Board and school district office.

Committee Member Bamford referred to how it was not the CCSDO's role to analyze whether the school boundary district lines were originally placed in the proper location and asked for further clarification on this issue. Deputy County Counsel Fox described as part of the package of legislation in the early 1980s, the state legislature declared that the boundaries as they existed on a particular date in January 1981 were deemed correct. That doesn't mean they can't be changed, it only means whether the boundaries were wrong will not be litigated. The only concern is whether modern educational best practices support changing the boundaries. He emphasized that the original boundaries were not mistakes, they were the product of decision makers at a time when factors under consideration were different. The question now is whether it would be better to change boundaries for the reasons proposed by a petition.

Chairperson Paulson outlined each criterion and asked if there were any concerns or need for discussion.

- Criterion 1 did not need to be discussed
- Criterion 2 remained on the table for discussion
- Criterion 3 did not need to be discussed
- Criterion 4 remained on the table for discussion
- Criterion 5 did not need to be discussed
- Criterion 6 did not need to be discussed
- Criterion 7 did not need to be discussed
- Criterion 8 did not need to be discussed
- Criterion 9 remained on the table for discussion
- Criterion 10 refers to any additional factors the CCSDO needs to discuss

Committee Member Esselstein commented it was an uncomfortable process making a decision regarding a single parcel in the context of a long history of inherited decision making. She acknowledged changing demographics and shared when growing up in San Mateo County, the Sky Londa area was practically empty. Committee Member Esselstein wondered about the nature of a substantial community identity and how that impacts these two different school

district entities and the people living in the area. She asked how to contextualize this decision based partly on precedent and partly on the chipping away of boundaries, and shared she is grappling with these questions in making this decision.

Chairperson Paulson emphasized that there is often frustration because some criteria don't seem to apply to what is happening in the real world.

Committee Member Bamford agreed the CCSDO's role may be frustrating but the work is very important. She stated there is a lot of objective input, materials, and rules to be considered and one of the roles of the CCSDO is to add their own life experiences and subjective components. While their hearts can go out to various situations, they need to look at the bigger and long term picture, which can cut both ways. Families have temporary needs and school districts have long-term needs and it is difficult to know at what point to emphasize which side.

Committee Member McBride shared he is struggling and discussed the needs of the state, putting students first, and how definitions can be interpreted in different ways to materially move boundaries. He spoke about his service on the Redwood City School Board in regards to territory transfers and differences in per pupil funding between districts. Committee Member McBride stated he is struggling with the community aspects of this territory transfer.

Committee Member Thompson stated cases like these are particularly difficult because it is so small according to the letter of the nine criteria. A single parcel or two will qualify readily because the individual impact is relatively nominal. In past discussions about the domino effect, they have seen larger populations and if a line is not drawn, it will be an ever-moving boundary. On the other hand, the CCSDO is not trying to forecast the future and is working in the present. When they have a border area like Sky Londa which at this time does not have a significant number of parcels on the perimeter, they are not looking at a domino effect. The three additional parcels marked with the black x, along with the Voss' parcel, will be a lot more saleable in the Portola Valley School District, but that will likely be the limit for the foreseeable future. Committee Member Thompson hypothesized in twenty years when a larger parcel is subdivided, that will be handled by the CCSDO. He stated he is less concerned about chipping away in this instance because it would only be an issue for the three nearby parcels.

Committee Member Esselstein pointed out that the Sky Londa area is overwhelmingly White and discussed attrition from a multi-racial district, the La Honda-Pescadero Unified School District, into a much more homogenous district, the Portola Valley School District. The high school district is much more diverse but covers more territory than the two elementary school equivalents. She noted this has an importance and impact. Committee Member Esselstein shared she is not comfortable seeing the Voss' neighborhood become part of a Whiter school district by virtue of the fact this is a demographics issue. The homes on Sky Londa are valued at several million dollars and that is likely not the case for equivalent acreages in the La Honda-Pescadero Unified School District. She spoke of the CCSDO looking at racial profiling and how this territory transfer would allow one more White family to join a predominantly White school district, at least for the elementary school years.

Committee Member You asked to speak about circumstances which led up to this situation which she finds very important to consider. Chairperson Paulson stated this was the appropriate

time. Committee Member You referred to questions posed to the Voss family about their knowledge about the school district to which they were assigned and how Mr. Voss stated he wished district assignments were disclosed differently. She explained she looked at the statewide buyer and seller advisories for real estate and assigned schools are specifically addressed in those disclosures. In these advisories, buyers are advised that children living in a property may not be permitted to attend the school nearest the property, school districts have various enrollment policies, and it is the buyer's responsibility to contact the local school district or school for additional information. It specifically cautions against relying on brokers for this information, who do not have expertise in this area. Additionally, there are disclosures for Santa Clara County and San Mateo County which state rules regarding enrollment may change with little notice and buyers should thoroughly investigate these and other issues with local school districts during the buyer's inspection period. Brokers cannot verify issues regarding school enrollment. Committee Member You acknowledged that the school their children will attend is important to the Voss family and they have been scrupulous in their examination of the criteria for a territory transfer. However, it would have behooved them to trust but verify what they were told. Committee Member You stated although this issue is extremely important to the Voss family, she is finding the request for a territory transfer to be in large part due to a lack of due diligence in some respect. She shared concerns about the racial and other demographic implications for these kinds of transfers. Committee Member You expressed sympathy for the personal and professional challenges of the family, but said she has concerns about attempting to negotiate mitigation, because not everyone has that ability. She has been grappling with these issues from the time the petitioners initially presented their petition.

Committee Member Bamford indicated the concerns of her fellow CCSDO members weigh heavy in her mind and after adding up little concerns, the CCSDO is entitled to vote how they think is best. She is having a hard time finding a compelling reason to grant the petitioner's request.

Committee Member Tejada stated she has the same concerns as others and recognizes the CCSDO has to bring their own experiences. She shared her past experience living in Marin County with her extended family living in Daly City. Her child attended preschool in Marin County with nobody to pick him up, so to find coverage she hired her niece to drive from Daly City to Marin to pick up her child and bring him back to Daly City. She then drove and picked him up after work. She emphasized that families must make things work and everyone has different situations. Committee Member Tejada discussed the Portola Valley School District not taking a position in this process, but per Education Code taking a position in the interdistrict attendance appeal process. The district felt they couldn't accommodate every transfer to the district and they didn't feel that the family's hardship was that unique. Committee Member Tejada again discussed finding a way and making things work. In addressing community identity, she described how the Voss family is choosing the community they want. If they identified more with the La Honda-Pescadero Unified School District, they would find a way to make that work. She shared this is a difficult process because members are putting their own perspectives on a family, and they must take themselves out because they are looking at something bigger and more substantial, which is their responsibility.

Committee Member Bamford stated the CCDSO's responsibility is to assume the boundary lines established in 1981 are correct and they should be looking for the nuances to protect the bodies and institutions as set forth in the Education Code. Their goal is to protect what was done.

Chairperson Paulson stated she was influenced by Superintendent Wooliever's discussion of community identity, and discussed how she chose her neighborhood to be part of a more urban environment. The petitioners have chosen an environment in which to live, which comes with concessions.

Chairperson Paulson asked Deputy County Counsel Fox if the CCSDO could take action on the petition as a whole or if they needed to discuss each criterion. Deputy County Counsel Fox recommended a member propose a motion to find the petition is consistent with factors 1, 3, 5, 6, 7, and 8, and have individual votes on factors 2, 4, 9, and 10.

Committee Member McBride stated this is narrowly constructed. One can read the overall factor as a "no," but word by word, the answer is "yes". When he goes down the criteria, he feels he will vote "yes" to individual factors, but probably vote "no" overall. He asked how to get the chance to vote "no" in total. Chairperson Paulson noted the final action is to view the petition as a whole, so while they may make a decision on each individual criterion, they then make a decision on the petition as a whole. She confirmed a member could check "no" for individual factors, but then vote differently on the petition as a whole.

After a motion by Committee Member McBride that the petition meets the conditions of factors 1, 3, 5, 6, 7, and 8, and a second by Committee Member Esselstein, the CCSDO approved, by a vote of eight in favor (Bamford, Esselstein, Lock, Markind, McBride, Paulson, Tejada, and You), two absent (Dannis, Hilton), and one abstention (Thompson), by roll call vote, that the petition meets the conditions of factors 1, 3, 5, 6, 7, and 8.

Chairperson Paulson brought up factors 2, 4, 9, and 10 for discussion. She started with factor 2, the districts are each organized on the basis of a substantial community identity. Deputy County Counsel Fox noted the condition is asking about findings about the condition of community identity if the proposal were adopted. It is not asking about the present condition, it is asking if it would be the case if the petition were approved that districts would be organized on the basis of a substantial community identity. Committee Member Esselstein stated it is understood that people belong to many different communities, and it is important to her to realize that if she says this condition was technically met by the application, it does not mean that it failed before the application. There may be multiple communities of acceptable conditions.

After a motion by Committee Member Esselstein that the petition meets the conditions of factor 2, and a second by Committee Member Bamford, the CCSDO did not approve, by a vote of three in favor (Bamford, Esselstein, Paulson), five against (McBride, Lock, Markind, Tejada, You), two absent (Dannis, Hilton), and one abstention (Thompson), by roll call vote, that the petition meets the conditions of factor 2.

Chairperson Paulson addressed factor 4, 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. Committee Member Esselstein made a motion that

the petition does not meet the conditions of factor 4, and Committee Member Markind seconded. Deputy County Counsel Fox explained that the motion is to find that the condition has not been met, so an “aye” vote finds that the condition has not been met. The CCSDO approved, by a vote of seven in favor (Bamford, Esselstein, Markind, McBride, Lock, Tejada, You), one against (Paulson), two absent (Dannis, Hilton), and one abstention (Thompson), by roll call vote, that the petition did not meet the conditions of factor 4.

Chairperson Paulson addressed factor 9, the proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization. Committee Member Markind made a motion that the petition does not meet the conditions of factor 9, and Committee Member Tejada seconded. Chairperson Paulson clarified that an “aye” vote confirms that factor 9 is not satisfied. The CCSDO approved, by a vote of seven in favor (Bamford, Esselstein, Markind, McBride, Lock, Tejada, You), one against (Paulson), two absent (Dannis, Hilton), and one abstention (Thompson), by roll call vote, that the petition did not meet the conditions of factor 9.

Chairperson Paulson addressed factor 10. Deputy County Counsel Fox recommended there be a motion to either approve the petition or deny the petition. Chairperson Paulson confirmed that factor 10 is the final action on the petition as a whole. Deputy County Counsel Fox requested if there was a statement to deny, there be a statement about reasoning, but if there was a statement to approve, he didn't need a rationale. Committee Member Markind asked for a summary of the factors which were “no.” Secretary Clay confirmed that factors 2, 4, and 9 were all no. Deputy County Counsel Fox clarified they were taken in different forms, one to approve which failed, and two to deny which passed, so all three conditions were voted to not have been met.

Committee Member Bamford made a motion to approve the petition, but stated that did not reflect her vote. Chairperson Paulson asked Deputy County Counsel Fox for clarification. Deputy County Counsel Fox informed there was no law requiring one to vote yes on their own motion, but it creates procedural confusion if one proposes an action they do not support. Typically, one makes a proposal they wish to carry votes and then votes accordingly, rather than make a motion they wish to be defeated.

Chairperson Paulson noted there was a motion on the table to approve the petition. There was no second so the motion failed for lack of a second. Deputy County Counsel Fox advised when a motion fails for lack of a second, a new motion is immediately in order. Committee Member Markind made a motion to reject the petition based on the “no” votes from criteria 2, 4, and 9, and Committee Member You seconded. The CCSDO approved, by a vote of eight in favor (Bamford, Esselstein, Markind, McBride, Lock, Paulson, Tejada, You), two absent (Dannis, Hilton), and one abstention (Thompson), by roll call vote, to reject the petition based on the “no” votes from criteria 2, 4, and 9. Chairperson Paulson summarized that the territory petition has been denied. Deputy County Counsel Fox noted that staff would prepare a written resolution reflecting the action taken on each of the above items to bring back at the September meeting for adoption.

Chairperson Paulson shared appreciation for the responses from everyone in the petition and the tremendously detailed work and thoughtful comments.

9. Member Comments

Chairperson Paulson noted it had been a pleasure working with the Voss family and the Superintendents.

10. Adjournment

Chairperson Paulson adjourned the meeting at 9:33 p.m. Secretary Clay confirmed the next meeting would be held on September 13 at 7:00 p.m. Chairperson Paulson asked Secretary Clay to keep the members informed about whether the September meeting may be held in person.

