

**SAN DIEGO COUNTY BOARD OF EDUCATION  
SAN DIEGO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

Minutes of the Special Meeting February 27, 2014 – 6:00 p.m.  
Sweetwater Administration Center – Board Room  
1130 Fifth Avenue  
Chula Vista, CA 91911

**I. OPENING PROVISIONS**

- A. Call to Order and Roll Call – 6:00 P.M.

Members Present: Anderson, Hartley, Neylon, Robinson  
Absent: Jones  
Secretary: Ward  
Recording Secretary: Cole

A quorum was present for the conduct of business.

- B. Pledge Of Allegiance To The Flag

- C. Approval of Agenda

MSC (Robinson/Neylon) to approve the agenda. The motion passed by unanimous vote of the members present (4-0).

- D. Review of Guidelines for Public Hearing

President Hartley welcomed the audience and read the guidelines that included procedures to be followed for the Public Hearing portion of the meeting. A Spanish-speaking translator (Martha Bishar) was introduced to the audience to assist anyone needing English/Spanish interpretation.

- E. Collect Public Speaker And Comment Cards

Public speaker cards and comment cards on both the districting criteria and the waiver of election matters were collected at this time and throughout the meeting.

**II. CONVENE THE MEETING OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

- A. OPEN THE PUBLIC HEARING on Criteria for Establishing Boundaries of Trustee Areas to be Used for the Election of members of the Governing Board of the Sweetwater Union High School District

Member Hartley opened the public hearing. San Diego County Office of Education's Assistant Superintendent of Business Services, Lora Duzyk, provided background and opening remarks. On February 12, 2014, the County Committee approved the proposal to change the election system of the Sweetwater District from one in which trustees are elected by numbered seats at large to one in which they are elected by residents of a trustee area in which they reside. The County Committee has engaged National Demographics Corporation, who has considerable experience in developing trustee areas for school districts. Tonight's presentation will explain the legal criteria that must be used and other possible considerations that may also be taken into account in the development of trustee areas.

B. Presentation by Doug Johnson, National Demographics Corporation

Doug Johnson, President of National Demographics Corporation discussed legal criteria and considerations for drawing trustee areas. Required criteria includes population equality and compliance with Section 2 of the federal Voting Rights Act which governs where the lines are drawn, focusing on communities and whether there are protected classes or not, with no racial gerrymandering. The total population based on the 2010 census will be used. Traditional redistricting criteria considers topography, geography, cohesiveness, contiguity, integrity, and compactness of territory, and community interests of the trustee areas. Additional factors approved by the Courts include respecting the boundaries of political subdivisions (e.g., school attendance areas, city boundaries, precinct boundaries, etc.); use of whole census geography (e.g., census blocks); and anticipating future population shifts. Consistent with the required criteria, individual districts may establish other criteria to address unique local concerns. Absolutely forbidden is using race as a "predominant" factor, unless there is a "compelling state interest."

C. Public Comment – Speakers Called from Cards

Public speakers on the subject matter of districting criteria included six citizens who unanimously support the proposed criteria for establishing boundaries of trustee areas, namely: Michelle Krug; Francisco Tamayo; Roberto Rodriguez; Paula Hall; Dr. Adrian Arancibia, and Colleen Cooke-Salas. Additionally, six citizens submitted information cards with comments for the County Committee members' review prior to adopting the final list of criteria that will provide guidance to the demographer in creating the trustee area boundaries.

D. Questions from County Committee Members

Members questioned what consideration was given to feeder elementary districts and on language spoken in the home. Mr. Johnson advised that all are taken into consideration when boundary lines are proposed.

E. ACTION: Adopt Districting Criteria

The County Committee was asked to adopt a final list of legal criteria and considerations that will provide guidance to the demographer in creating the trustee area boundaries.

MSC (Neylon/Robinson) to adopt the final list of legal criteria and considerations for drawing trustee areas, as amended. The motion passed by unanimous vote of the members present (4-0). The final list of criteria as adopted is attached to these minutes as Exhibit A.

F. Close the Public Hearing

There being no further speakers, Member Hartley closed the public hearing on the subject districting criteria. Mrs. Hartley announced that draft trustee area plans will be presented for public input at the next public hearing to be held in the Sweetwater District on Thursday, March 6 at 6:00 p.m.

### III. RECONVENE THE MEETING OF THE SAN DIEGO COUNTY BOARD OF EDUCATION

- A. OPEN THE PUBLIC HEARING on the Request for Waiver of the Election Required for the Establishment of Trustee Areas in the Sweetwater Union High School District and for the Election of One Member of the Governing Board Residing in Each Trustee Area by the Registered Voters in that Trustee Area.

President Hartley opened the public hearing. San Diego County Office of Education's Assistant Superintendent of Business Services, Lora Duzyk, provided opening remarks. In accordance with Education Code Section 5020, the proposal to change the District's election system from an at large to a by trustee area election system must be submitted to the electorate at the next election for governing board members, which is November 2014. If voters approve the measure, implementation of the change would commence with the November 2016 election and be completed in 2018.

- In 2016, two expiring terms would be filled according to the trustee area plan.
- Incumbents, whose terms don't expire until 2018 (3 members), would serve out their terms. [EC § 5021]
- At the November 2018 election, the remaining three expiring terms would be filled according to trustee area plan, thus completing implementation of the change in election system.

An alternative to placing the proposal on the ballot in November 2014 that would permit the change to be implemented commencing at that election and completed at the November 2016 election is for the County Board of Education to submit a request to the State Board of Education for a waiver of the required election.

Prior to making a decision on whether to request a waiver, the County Board is required to receive input from the community and from district groups. This is the first of two public hearings that will be conducted in the district to receive community input; a second public hearing at this same time and location is scheduled for March 6<sup>th</sup>. District bargaining units and advisory committees are also being consulted to determine their position on the waiver request. The County Board of Education will make a decision on whether to submit a waiver request at its regular meeting on March 12<sup>th</sup>. It is expected that the State Board will act on the request at its May meeting.

If the waiver of election is approved by the State Board, no election on the proposal would be required, and the system of electing by trustee areas would be implemented commencing with the November 2014 election.

- In November 2014, the three expiring governing board member terms would be filled according to the trustee area plan.
- Incumbents (2 seats) would serve out their terms. [EC § 5021]
- At the November 2016 election, the two terms expiring in that year would be filled according to the trustee area plan.

If the waiver of election is denied, the question of changing method of election would be placed on November 2014 ballot.

- B. Public Comment - Speakers Called from Cards

Public speakers on the subject of the request for waiver of election included five citizens who unanimously support the waiver of election, namely: Michelle Krug, Francisco Tamayo, Roberto Rodriguez, Paula Hall, and Aurora Murillo-Clark. Additionally, six citizens submitted information cards with comments that will be reviewed by the Board before any action is taken on this matter.

C. Questions from Board Members

Maximum community outreach efforts were discussed to increase public participation at future public hearings, the next to be held in the Sweetwater District on March 6, 2014 at 6:00 p.m. The public was assured that draft trustee area maps will be posted to the Board of Education's webpage on the official San Diego County Office of Education website, and will also be made available to the Sweetwater District for posting on their website.

D. Close the Public Hearing

There being no further speakers on the request for waiver of election, President Hartley closed the public hearing.

IV. ADJOURNMENT

The meeting was adjourned at 7:24 p.m.

**LEGAL CRITERIA & CONSIDERATIONS FOR DRAWING TRUSTEE AREAS**

**Required Criteria:**

1. Population Equality.<sup>1</sup>

“Substantial equality” – Total deviation up to 10% is presumptively constitutional.<sup>2</sup>

10% is not, however, a “safe harbor” – deviation must be justified by “legitimate considerations incident to the effectuation of a rational state policy.”<sup>3</sup>
2. Compliance with Section 2 of the federal Voting Rights Act.<sup>4</sup>

**“Traditional Redistricting Criteria”:<sup>5</sup>**

3. Topography
4. Geography
5. Cohesiveness, contiguity, integrity, & compactness of territory
6. Community of interests of the [trustee areas].

**Additional Factors Approved By Courts:**

7. Respecting the boundaries of political subdivisions (*e.g.*, school attendance areas, city boundaries, precinct boundaries, etc.).<sup>6</sup>
8. Use of whole census geography (*e.g.*, census blocks).<sup>7</sup>
9. Anticipating future population shifts.<sup>8</sup>

**Discretionary Criteria:**

10. Consistent with the required criteria, individual districts may establish other criteria to address unique local concerns.

**Forbidden Considerations:**

11. May not use race as “predominant” factor, unless there is a “compelling state interest.”<sup>9</sup>

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<sup>1</sup> Ed. Code § 5019.5; *Kramer v. Union Sch. Dist.*, 395 U.S. 621 (1969); Ed. Code § 5220; Elec. Code § 21601.

<sup>2</sup> *Voinovich v. Quilter*, 507 U.S. 146 (1993).

<sup>3</sup> *Reynolds v. Sims*, 377 U.S. 533, 579 (1964); *Larios v. Cox*, 300 F. Supp. 2d 1320 (N.D. Ga. 2004), summarily *aff'd*, *Cox v. Larios*, 542 U.S. 947 (2004).

<sup>4</sup> 42 U.S.C. § 1973; Cal. Const. art. III § 1; see, Elec. Code § 21601; see, *Bartlett v. Strickland*, 129 S. Ct. 1231(2009).

<sup>5</sup> See, *e.g.*, Elec. Code § 21601.

<sup>6</sup> See *Mahan v. Howell*, 410 U.S. 315 (1973) (city and county boundaries); *Quilter v. Voinovich*, 981 F. Supp. 1032, 1048 (N.D. Ohio 1997) (precinct boundaries); *Smith v. Cobb County Bd. of Elections & Registrations*, 314 F. Supp. 2d 1274, 1306-07 (N.D. Ga. 2002) (respecting school attendance areas).

<sup>7</sup> *Wilson v. Eu*, 1 Cal. 4th 707, 718-19 (1992).

<sup>8</sup> *Karcher*, 462 U.S. at 741 (1983); *Smith*, 314 F. Supp. 2d at 1307.

<sup>9</sup> See *Miller v. Johnson*, 515 U.S. 900 (1995).

Approved by County Board of Education acting as the County Committee on School District Organization, February 27, 2014.