

CONTRA COSTA COUNTY BOARD OF EDUCATION
Serving in the Capacity as the County Committee on School District Organization

Contra Costa County Office of Education
The Ronald L. Stewart Center
77 Santa Barbara Road, Pleasant Hill, California

May 19, 2005

ROLL CALL

Pamela Mirabella, David Krapf, Glenn Ruley, and Daniel Borsuk.

ABSENT

Daniel Gomes

OTHERS

Ellen Elster, Peggy Marshburn, Terry Foley, and Laura Dorsey Huerta, County Office of Education staff; and Gloria Johnston, Superintendent of West Contra Costa Unified School District (WCCUSD); Michael Roth, Superintendent of John Swett Unified School District; JSUSD Governing Board Members Norma Clerici, Barbara Kotchevar, Holly Myers, Jim Delgadillo, and Janet Callaghan; WCCUSD Governing Board Members Glen Price and Dave Brown; Edward Sklar, Esq., Lozano-Smith, counsel to West Contra Costa Unified School District; Alan Hersh, WCCUSD General Counsel; Harold Freeman, WCCUSD Counsel; Mona Ochoa, Hercules; Patrick Tang and Lida Doctolero, Hercules; Liz Warmerdam, City of Hercules; Eileen Howard, Rodeo; Larry and Glenna Phillips, Hercules; Anita Roger-Fields, Hercules; Ihsan B. Enz, Hercules; Fred Clerici, Crockett; Shannon Loomis-Turnidge, Crockett; Joseph A. Catindig, Hercules; Ed Sharp, Hercules; Leonard Washington, Hercules; Marisa Yin, Hercules; Brenda S. Hudson, Hercules; Lynne Defigueirido, Hercules; Gail Mendes, United Teachers of Richmond; Don and Charlotte Kuehne, Hercules; Renato Salgado, Rodeo; Jane Kole, Pinole; Charlene Gordon, Pinole; Sherry Madfes, Hercules; Paul Freese, Hercules; Jerry Hirst, Rodeo; Kim Dauer, Rodeo; Jeff and Cheryl Bennett, Hercules; Dawn Thorne, Rodeo; Nancy Bennett, Hercules; Shirley and John Gotelli, Hercules; Leila Flores, Rodeo; Gabriela Rodriguez, Hercules; Tracy Parelle, Rodeo; Lori Chinn, Hercules; Anton Jungherr, Hercules; Vince Kilmartin, WCCUSD; Jed Hood, WCCUSD; Sue Pricco, Hercules; Brenda Souza Hudson, Hercules; Linda Larson, Rodeo; Rick Spencer, Rodeo; Tom Lynden, Hercules; Rosa Mera, Rodeo; Mary Allen, Hercules; Pixie Hayward Schickele, United Teachers of Richmond; and Lorie Franks, Hercules. A partial list of attendees is on file at the County Office of Education.

PRESIDING

Daniel Borsuk, Chairperson

The meeting of the Contra Costa County Committee on School District Organization, which took place at Rodeo Hills Elementary School, 545 Garretson Avenue, Rodeo, California, 94523, was called to order at 6:00 p.m. with the recitation of the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes of April 6, 2005, were approved as presented (M/S: Ruley/Mirabella; Krapf abstained; Gomes, absent).

PUBLIC COMMENT

Items Not on the Agenda

None.

PUBLIC HEARING

Petition Received from Brenda Souza Hudson, Shirley Gotelli, and Susan Pricco, Chief Petitioners, to Transfer Territory from West Contra Costa Unified School District to John Swett Unified School District

Chairperson Daniel Borsuk convened the Public Hearing on the Petition Received from Brenda Souza Hudson, Shirley Gotelli, and Susan Pricco, Chief Petitioners, to Transfer Territory from the West Contra Costa Unified School District to the John Swett Unified School District at 6:05 p.m.

Chairperson Daniel Borsuk explained that the purpose of this hearing would be to obtain information from the local community to assist the County Committee in making its determination

regarding the feasibility of the proposed reorganized school districts. He invited members of the public to submit speakers' cards if they wished to offer comments during the public hearing. In addition, he invited members of the public to submit written statements if time constraints did not allow for everyone to present their comments this evening to the County Committee. Mr. Borsuk also provided a brief historical background on the County Committee and its purpose.

Ellen Elster, Deputy Superintendent of the Contra Costa County Office of Education and staff person to the County Committee on School District Organization, directed the public's attention to a table at the back of the room that had a large map on it displaying an aerial view of the subject areas. She also gave some background on the petition dated February 24, 2005, received from Brenda Souza, Shirley Gotelli, and Susan Pricco, Chief Petitioners, to transfer territory from the West Contra Costa Unified School District to the John Swett Unified School District pursuant to Education Code section 35700(a). She provided the following information to the public: The County Superintendent of Schools and the Contra Costa County Registrar of Voters found the petition to be sufficient and signed as required by law, and the petition was transmitted to the County Committee on School District Organization and to the State Board of Education pursuant to Education Code section 35704 on March 25, 2005; an issue exists that may affect the County Committee's ability to process this petition to conclusion; Education Code 35706.5 provides that when a school district has received an emergency loan from the State and 70% of its student population come from homes below a certain income level; an action to reorganize the boundaries of the district cannot be completed unless the governing board of the district consents to the reorganization; the WCCUSD has just submitted information that it believes will establish that the district falls into that category; and if this is the case, by law, the County Committee would not be able to process the petition to completion unless the district's governing board consents; this issue has not been resolved yet, and the County Committee will schedule a hearing on this issue at a later date and will not be addressing this matter tonight; pending resolution of this issue, the petition will be processed according to the usual procedures; in accordance with State statutes, within 60 days from receipt of a petition, the County Committee must hold at least one public hearing within the affected districts, and it has 120 days from the first public hearing to study the proposal and make a recommendation on its feasibility to the State Board of Education; on behalf of the County Committee, a study is under way to evaluate this proposal and will include information provided by the affected districts and the Chief Petitioners; information will also be gathered from State resources and other interested parties; the study will continue over the next four months, and if the County Committee were to approve the proposal, the proposal would go to an election and the area of the election would be determined by the County Committee; if the County Committee were to disapprove the proposal, the process would end; an appeal of the decision of the County Committee could be made to the State Board of Education; however, she noted that the State Board of Education has no timeline in which action must be taken. In conclusion, she called the public's attention to the information packet, which includes information required by Education Code section 35705.5(b) to be made available to the public regarding the proposal (information on the rights of employees, governance structure, revenue limits, and the election issues related to the proposal).

Chairperson Borsuk explained the process that would be followed during the hearing: The Chief Petitioners would have 15 minutes to present their proposal, each affected district would also have 15 minutes to make their presentations, and members of the public would then have two minutes per speaker to offer comments. He noted that if someone did not have an opportunity to finish his/her comments due to time constraints, that person should submit his/her comments in writing to the County Committee. At the end of the public comment period, the Chief Petitioners and affected school districts would be given five minutes each to respond, after which the County Committee will adjourn the meeting. He also informed the public that on May 25, 2005, at 6:00 p.m, the County Committee on School District Organization will hold another public hearing on this matter in the West Contra Costa Unified School District at the Hercules Middle & High School, 1900 Refugio Valley Road, Hercules, California.

Chief Petitioner Susan L. Pricco came forward to address the Board and introduced the other two Chief Petitioners, Brenda Souza-Hudson and Shirley Gotelli. Mrs. Pricco stated that the Chief Petitioners are aware of the position of the WCCUSD regarding Education Code section 35706.5 in that the WCCUSD believes that 81.4% of its students are from low- or very-low-income families, thus voiding the Chief Petitioners' attempt to transfer territory. She noted, however, that the Chief Petitioners disagree with the WCCUSD's final calculations and the method for extrapolating this information. She further stated that there has not been enough time for them to fully review the WCCUSD's documentation but that they would be prepared to speak to this issue at the hearing that is proposed to be held to address Education Code section 35706.5. She then began the Chief Petitioners' presentation: They represent "For the Kids We Care," a group of citizens who have studied the issues around education in Hercules for over five years; they filed this petition in the hope of raising the quality of education for the children in their community; at

WCCUSD, challenges continue to grow and student achievement continues to lag across the board; conversely, merging the Hercules students, community, and revenue with the JSUSD may create opportunities that, by working together, could create an enhanced school district that could offer a real quality education; she pointed out that JSUSD is a once-thriving school district that is now suffering from declining enrollment but has a long history of sound financial management, a dedicated board, an efficient administration, students who speak proudly of their schools, and teachers who speak highly of both students and administrators; the long-term options for JSUSD are few, with choices such as raising taxes, eventual bankruptcy leading to State takeover, consumption of its district by WCCUSD, or electing to merge with the balance of Hercules; she noted that a study of JSUSD's demographics shows that the community is getting older with fewer babies and school-age children coming into the district, while WCCUSD will remain one of the largest school districts in the state; she commented that, while WCCUSD may disagree, her group believes that the main cause for its declining student population is rooted in parents' desire to seek better educational opportunities for their children through school-choice alternatives such as private schools, charter schools, home schooling, or other districts. She noted that criterion No. 1 in the petition was intentionally left blank because they feel that it is a subjective matter; however, they feel that they meet the criterion with less than a two-percent net loss to the WCCUSD's budget and that it is not their intention to cause harm to the students of that district. She also commented that WCCUSD would have an opportunity to become more efficient with fewer students, while unified students of Hercules and JSUSD would see enhanced opportunities such as new communication, the return of librarians and counselors, and more Advanced Placement programs and electives. In conclusion, she stated that her group's analysis and reasoning leads them to believe that not only can a transfer of territory be done, it should be done. Further, she stated that after the County Committee has analyzed her group's petition and the feasibility study from its own analyst, it will concur that the benefits to JSUSD will far outweigh the small disadvantage to WCCUSD.

Chief Petitioner Brenda Souza-Hudson then spoke about how the transfer of territory would affect the Hercules and JSUSD community. She pointed out that Hercules would bring any schools that exist within the Hercules area at the time of the transfer as well as the students residing in Hercules. She stressed that it is the best option for the communities involved and that the Hercules students living in Foxboro could attend a school in Hercules; the students in Crockett, Rodeo, and Port Costa would benefit from money for new programs; and for the students in the entire area served by JSUSD, the school district would survive and remain within that community's control. The transfer would result in a smaller and more manageable WCCUSD and give a small, shrinking district new life. She implored the County Committee to give them the opportunity to have a profound impact on the future of their children, their education, and the communities involved by bringing this issue to the vote of the citizens.

Representing JSUSD, Linda Larsen, Principal, Rodeo Hills Elementary School, welcomed the County Committee and attendees and then introduced JSUSD Superintendent Michael Roth. Mr. Roth also welcomed the County Committee, Mrs. Elster, and administrators from WCCUSD. He explained that a number of conflicting events taking place this evening required the attendance of a number of district representatives as well as other interested parties. He introduced the members of the JSUSD governing board: President Norma Clerici, Barbara Kotchevar, Holly Myers, Jim Delgadillo, and Janet Callaghan. Mr. Roth described the many ways in which the proposed transfer of property from Hercules to the JSUSD would change the situation of their own district in that the JSUSD would grow from under 2,000 students to approximately 4,500 students and it would go from experiencing an enrollment decline to experiencing moderate enrollment growth. He stated, however, that the governing board of the JSUSD has not yet taken any formal position on this matter and that it is not a decision for them to make, but they do maintain a strong interest in the process and concern for the outcome of this matter. He then introduced JSUSD Board President Norma Clerici.

Mrs. Clerici stated that the governing board members are keeping their minds open to all alternatives, examining the risks and analyzing before coming to a decision on this matter, and that the main priority of their district and board is to educate their students. She noted her disagreement with one of the Chief Petitioners regarding the statement that the district has limited long-term options. She stated that the declining enrollment that has occurred since 1997 has now leveled off and there is the possibility that the trend will be reversed as evidenced by the history of the district's past enrollment. She expressed concern that the proposed transfer of property would create

questions about where students throughout the district would be attending school. She also questioned how much of WCCUSD's debt would be transferred to JSUSD and whether higher taxes would be required of the residents of JSUSD.

Mr. Roth then introduced JSUSD Governing Board Member Jim Delgadillo, who expressed concerns about indebtedness if the proposed transfer were to be approved. He also noted that Hercules has had difficulty building schools because of a dearth of available sites, while there is overcrowding at the new middle/high school and at several elementary schools. He expressed the opinion that to house these students would place a financial burden on JSUSD, and the loss of students from WCCUSD would also place a burden on that district.

Representing WCCUSD, Governing Board President Glen Price introduced Board Member Dave Brown (represents the Hercules area), Vince Kilmartin (Assistant Superintendent for Operations), Alan Hersh (General Counsel), Harold Freeman (Counsel), and Dr. Gloria Johnston, WCCUSD Superintendent. He emphasized that it would be more important to put energy into issues that would really bring about improvements in public education in both WCCUSD and John Swett USD. He then spoke to the fiscal impacts (service contracts, lifetime health benefits paid by WCCUSD, the state apportionment loan, current bond indebtedness, and investments in new facilities in Hercules) on both districts if the transfer of property were to occur. He urged the County Committee to move forward quickly with the hearing on Education Code section 35706.5.

Mr. Price then introduced Dr. Gloria Johnston, WCCUSD Superintendent, who spoke to the impact that a transfer of territory would have on their district's students, teachers, staff members, and on the quality of the teaching and learning program. She spoke to the large investments that WCCUSD has made in the learning environment for Hercules residents and their children by building new school facilities (over \$75 million in the last ten years). She also noted that the WCCUSD is currently pursuing the purchase of land for another new middle school in Hercules (a \$30 million investment on the part of WCCUSD). She spoke to the possibility of school closures or school reassignments as a result of a transfer of territory from the WCCUSD to the JSUSD, and this would have a negative impact on the students' learning program. In addition, she noted that the higher Academic Performance Index (API) scores of the Hercules schools are statistically significant when compared to the API scores of the JSUSD schools. She elaborated on the impact a transfer of territory would have on students; namely, that they would lose opportunities to participate in certain academies and Advanced Placement classes, the district would lose the opportunity for No Child Left Behind transfers, there would be reductions in English Language Learner classes and special classes for immigrant children, and there would be severe disruptions to students with learning disabilities and other handicaps. She predicted that the JSUSD would be overwhelmed by the number of Special Education students that would come from the Hercules area, more than doubling that district's current Special Education enrollment. The shift would also affect WCCUSD's employees in that Certificated employees may choose to remain employed by WCCUSD or choose to become employed by the JSUSD. Because, she noted, the teachers at Hercules schools are some of the most outstanding in California, neither the WCCUSD nor the citizens of Hercules would want to lose those teachers. Since many of the teachers might prefer to remain with WCCUSD, they would move by seniority into the remainder of the school district, causing lay-offs. Those teachers who choose to leave the WCCUSD to become employed by the JSUSD would lose their lifetime health benefits and there would be no guarantees as to where they would be assigned. With regard to Classified employees currently employed at Hercules schools, they would retain their salary, leave time, and benefits for at least two years after a transfer of territory. These guarantees to them by law would protect them; however, this would not be the case with the Classified employees of JSUSD, whose job security might be threatened by the high cost of the influx of protected Classified employees at the Hercules schools. Lastly, she spoke to the importance of security and noted that the JSUSD may be limited in its resources to provide adequate security for its schools if the proposed transfer of property is successful.

The following members of the public spoke in favor of the proposed transfer of territory: Paul Freese, Patrick Tang, Ed Sharp, Cheryl Bennett, and Glenna Phillips. Their reasons included the following: over 5,000 signatures were collected in support of the proposed transfer of territory; no one in the Promenade community of Hercules plans to send their kids to public schools as long as they are in the WCCUSD because that district is too large and out of control; the conditions at the WCCUSD are very poor; it makes no sense to split a small city into two separate school districts; student safety at WCCUSD is a concern; Hercules residents are sending their children to private schools because they feel the WCCUSD is mismanaged; valued Hercules residents have moved away to other areas because they cannot afford to send their children to private schools; school board meetings at WCCUSD are held in Richmond in the evening, making it difficult for Hercules residents to attend the meetings; it would be closer to attend board meetings in the JSUSD; there would be less traffic congestion; the good WCCUSD teachers in Hercules may be able to renege-tiate their contracts with the JSUSD; Hercules does not get much representation on the WCCUSD board because most of the district's voters reside in other, larger areas; this petition would not be here before the County Committee if everything were going well; property values are lower in Hercules because it is part of the WCCUSD; the voters should be allowed to vote on this matter.

The following members of the public spoke against the proposed transfer of territory: Charlene Gordon, Jerry Hirst, Gail Mendes, Kim Dauer, Renato Salgado, Fred Clerici, Dave Brown, Dawn Thorne, Leonard Washington, and Jane Kole. Their reasons included the following: there would be a huge impact on the educational programs in Hercules in that a transfer of territory to JSUSD would result in fewer Advanced Placement and Honors classes; the matter presented by the petitioners is nothing more than an attempt to escape from Richmond and whatever that represents to them; the Carquinez communities have a sense of community, both individually and collectively in the JSUSD; Hercules does not have a sense of community and needs to develop one first so that they can rally their own schools instead of trying to join another community; because the population of Hercules outnumbers the population of the Carquinez communities by more than two to one, the citizens of the Carquinez communities would lose control of the JSUSD schools; control of elections for new taxes would be lost to the larger Hercules population; Hercules has the best and most experienced teachers in the WCCUSD and most of them plan to remain in the WCCUSD if Hercules secedes from the district; the WCCUSD teachers earn more than the teachers in JSUSD; chaos will be created if the more experienced teachers from Hercules bump the less experienced teachers in other parts of the WCCUSD, which would cause each school to lose its history and the students to be in upheaval; the residents of Hercules had previously voted down a measure regarding secession from WCCUSD several years ago; there are a lot of Special Education students in the Hercules area that the JSUSD may not be able to handle; there are concerns about additional taxes and indebtedness if the proposed transfer of territory is successful; the JSUSD is already a thriving school district without the addition of the Hercules residents; traffic conditions in Crockett are already difficult because JSUSD's high school, middle school, and continuation school are all located there, and additional students being driven from Hercules would cause further congestion; the WCCUSD has been providing improved services to the Hercules area in response to residents' concerns; the proposed transfer of territory should not be at the expense of both districts, all the taxpayers, and the children; it is not evident how such a transfer of territory would benefit JSUSD; this would be a political experiment; people need to work together to help both school districts offer a world-class education; there are too many unknowns; the benefits from the money invested by WCCUSD in the Hercules area have not yet been realized because the schools are still relatively new; each district needs to address its own problems; there are concerns about the effect this transfer might have on teachers and also concerns that, if the proposed transfer is successful, Hercules residents might "take over" the school board as positions became available since there would be a disproportionate number of voters from the Hercules area.

Chairman Daniel Borsuk invited the Chief Petitioners and both school districts to make closing comments.

In her closing comments, Chief Petitioner Susan Pricco stated that she felt the school boards need more time to analyze the lengthy petition before deciding whether or not to support it. She commented on how the majority of the citizens who spoke in opposition to the petition mentioned teachers, benefits, buildings, and school closures, but the most important aspect of this issue is education. She noted that Hercules is a city divided, with some students attending JSUSD and

others attending WCCUSD, and that one of the goals of the petition is to unify the community. She further stated that it is neither the intent nor the goal of the petitioners to “take over” the JSUSD board. They view the JSUSD administration and board as institutions that work well, are not “broken,” and do not need “fixing”; therefore, they have no wish to make changes to them. She noted that if JSUSD voters are against the transfer of territory, then they should have an opportunity to speak with their votes. She urged the County Committee to approve the petition so that the issue could go before the voters. She then addressed the advisory measure, Measure G, that came before Hercules voters some years before that was defeated with regard to Hercules’ secession from the WCCUSD. She explained that because the advisory measure also ran as a tax measure, which was a result of a misprint by the Elections Department, the measure probably failed because of that error. She also pointed out that 3,300 votes were cast on Measure G while over 5,000 signatures have been collected in favor of the petition. She urged the County Committee to allow the process to continue.

JSUSD Superintendent Michael Roth commended the members of the public who voiced their sincere concerns and thanked the members of the County Committee, the representatives from the WCCUSD, and the board members of the JSUSD for attending this evening. He invited any JSUSD board members to include their statements in the district’s closing comments. Board Member Janet Callaghan spoke about the history of the community and noted that the Hercules territory once was a part of the JSUSD, but there was a school board in place at the time that, apparently, did not envision that someday there would be a great number of homes in Hercules and that, in her opinion, that territory should not have been let go. She recommended to the County Committee that the process be allowed to continue and to not allow themselves to be swayed by the attorneys, money, and other problems because what is best for the kids and education as a whole is more important. Board Member Jim Delgadillo gave a brief history on a previous interest expressed by both the communities of Hercules and Pinole in 1990-91 to become part of the JSUSD, and thanked everyone for attending tonight’s meeting.

WCCUSD Superintendent Gloria Johnston stated in her closing comments that she could not identify in the petition for the proposed transfer of territory any evidence that the transfer would improve the quality of education for the children of WCCUSD or the children of JSUSD. Regarding the declining enrollment issues that were raised, she noted that nearly 50% of the school districts in California are in decline because of lack of jobs, the cost of housing, the stance of nonsupport for public education by the California’s elected officials, and a seriously declining birth rate that is not expected to begin to rise again until 2008-2010. She clarified that declining enrollment is a serious and devastating issue that is affecting many school districts in California. WCCUSD Board Member Dave Brown commented that he heard several times during the testimony that concerns exist about how a small city like Hercules is divided up between two school districts. He noted that it is common for both small and large communities to fall within several districts’ boundaries. He suggested that if the Hercules community wishes to be entirely in one school district, perhaps the Foxboro neighborhood could be transferred into the WCCUSD; however, since this solution has not been suggested by the Hercules community, he believes the purpose of the petition is more about moving away from the WCCUSD than simply wishing to have the entire Hercules community encompassed in one school district. He emphasized that with several of the WCCUSD board members indicating that they intend to retire in a few years, it would be a good opportunity for Hercules residents to run for election to the board to help reenergize and reform the district. WCCUSD Board Member Glen Price assured Hercules residents that their board members are ready to roll up their sleeves to work with them to improve the schools. He then asked the County Committee take its time with this complex issue to consider the entire body of evidence before coming to a decision.

There being no further public comment, Chairperson Borsuk closed the hearing at 7:38 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:38 p.m.

Ellen Elster, Secretary Designee
County Committee on School District Organization

These unadopted minutes are summaries and excerpts from the meeting of May 19, 2005, and are subject to amendment and/or correction prior to the approval of the County Committee on School District Organization.