

**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**  
**925/942-3380**

**September 10, 2008**

**ROLL CALL**

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

**ABSENT**

None

**OTHERS**

Joseph Ovick, Ellen Elster, Karen Sakata, Susan Magnone, Michael Bowers, Peggy Marshburn, John Hild, Judy Parker, Brenda Higdon, Patty Castro, Terry Foley, and Laura Dorsey Huerta, County Office of Education staff; Deputy County Counsel Mary Ann Mason; Dr. Michael Winters, consultant; Ruth Carver and Dodie Katague; Gary McHenry, Superintendent of the Mt. Diablo Unified School District; Patty Wool, Superintendent of the Walnut Creek School District; Jim Negri, Superintendent of the Acalanes Union High School District; Gwen Regalia, Mayor of the City of Walnut Creek; Elizabeth Wadsworth; Hilary Hibel; Brad Madix; Sara Schroeder; Joseph Lyons; Dorothy H. Hughes; Matt Williams; Mark Rigau; Giles Hinchliff; Lisa Stackpole; Steve and Lisa Dell'Anno; Susan Horning; Theresa Merenlear; Julie Chesnutt; Lori Woodworth; Hannah Clayborn; Eric Anderson; Mike Wunder; Stacy Woodworth; Marlene Penuela-Mackouse; Mary Hain; Lillian Tsai; Molly Anderson; Dana Morris; Daniela Rinart; Janet Read; Cynthia Henry; Gary Pearl; Jahan Shafizadeh; Alisa MacCormac; Janis Roberts; Peter Lloyd; Stacy Hovey; R. Scott; Kimberly Harris; John Gregory; Linda Loza; J. Starkey; Kris Cropper; Geertje Balkes; Debbie Lind; Charlie Abrams; S. Narayan; Jane Steven; Teresa Torbett; David Ackerman; Jacqueline Halm; Kevin Puett; Nicole Padoan; Gary Veasy; Robert Martz; Sara Schulting-Kranz; Ron Loza; Mike Teifel; Gladys Dern; Justin Chew; Adam and Kiyoni Sparks; Paul Strange; Arthur Clarke; Matt Lovett; Kevin Sullivan; Bill Holian; Don Parker; Dorothy Englund; John Hanecak; Mitchell Miller; Sandy Cremin; Tob Hopstone; Toni Steil-Bozym; Gloriann Sasser; Donna Domingo; Mary Gray; Marie McClaskey; Tim Cremin; David Rafal; Lance Gee; Edmon Soliman; Nancy Bennett; Jo Sciarroni; Ed Wohlers; Dr. Kathleen Scott; Nancy Weatherford; John Hanecak; Mayra Bautista; Benny Thio; Cathy Lo Brown; Sally Anderson; Cristina Spilleti; Mark Sturgess; Laura Dell'Anno; Elise Nai; Zoe Loza; Katherine Campbell; Sean Grovlen; Cindy Silva; Andrew Foster; Bill Morrissey; Jamshid Dorafsha; Mike and Audrey Slaughter; Rahash Siva; Linda M. De Meo; Tom Mossinger; Linda Locke; Kristin Anderson; Mark Hinman; Heather Duncan; Kathleen Scott; Magan Saija; Raymond Thierry; Shane O'Laughlin; Denison Hartlove; Gilbert and Esperanza Mingming; Jody Mills; Sankar Veer; Betsy Henderson; Richard Haymes; Miriam Boetticher; Evan Nakamura; Glen Kaplan; Kristin Penick; Pat Eich; Theresa Merenkov; Stacy Woodworth; Phil Sartoro; Todd McNeill; Mark MacPherson; Carrie Coultrip; Susan Ellis; Alyssa Seburn; Julie Lee; Julie Lins; Michael and Tricia Bacon; Colleen Ebeling; Doug McClelland; Kathy Coppersmith; Dana Morris; Denise Bettencourt; Mohammad Benghan; Toby Hopstone; Maureen Welch; Margot Tobias; Terri Burns; Susan Walls; Daphne Robert; Gary Skrel; Janet and Charlie Alramel; Karen McKinney; Carla Ludwig; Walter Parlun; Cathy L. Brown; Patty Purvis-Thielman; Elaine Henessey; Alexandr Khalameyzer; Lyndon Christensen; Sharon Pinkstaff; John Wadsworth; Gaile Clarke; Sara Schroeder; Carol Ruley; Sue Woodworth-Bennett; Paul Valle-Riestra; Renee Zeimer; Mitchell Zack; Karen Martz; Gita Pai; Susan Wong; Nancy Doane; Ellen Lyons; Simon Makdessi; Dorothy Hughes; Leslie Peters; Lisa Soe; Kathleen Carroll; Jennifer Gray; Mary Kloth; Matt Williams; Stephanie Teichman; Shelly Malter; Olivia, Sherri, and Amelia Zack; Kathleen Shone; Charlotte Pan; Terry Feng; Anna Koh; Vesselin Popov; Janelle Palmer; Katie Wunder; Michele Ramia; Anita Tonsing; Lynda Hammel; Simon Newbigging; Bob Lewis; Nancy Flaherty; Amy Hiatt; Susan Cue; Linda Campbell; Katherine

Campbell; Carrie and Caitlin Steeb; Katie Pierceall; Donna Ackerman; Barbara Pennington; Katie Pena; Julie Stokol; Kara Navolio; Arnie and Jeannine Kack; James Schasteen; Marilyn Kleinsmith; Ruth Hinchliff; Michael Dossey; Peter and Lisa Stackpole; Debbie Dvorak; Daniela Rinard; Kimberly Harris; Janis Roberts; Mitchell Miller; Kent Romanoff; Melinda and John Hall; Peter Lloyd; Wendy Ramer; Chris Kim; Erica Randall; Sue Levins; Michaela Stahl; Subhendu Narayan; George Jazuk; Arthur Speckart; Siggie Reavis; Lisa Rupert; Bob Vickery; Jill Davson; Judy Tomsovic; Olga Kolomensky; Agnes Kohenyo; Dana Baumann; Lou Schichnes; Tyler Kuruneru; Gretchen Bruns; Alison Moore; James Mills; Dave McCargar; Claire Perez; Robert Walters; Dan Walden; Stacy Lauberargh; Sandy Miller; Tracie Macedo; Debbie Lind; Pam Wright; Larry Smith; Robert Matteson; Arnel and Kate DeLeon; Nobumichi Tamura; Scott Haney; Linda Mayo; Dasha Zablocki; Lynn Freeman; Annette Albo; Susan Schrank; Cynthia Sook; Paula Molgaard; Susan Friesen; Teresa Torbett; Jane Steve; Tim Byrd; Suzanne Soberanes; Ned Crawford; David Ackerman; Krys Jesionek; Mike and Sha Clark; Mike Voss; Barry Oliver; Jacqueline Halm; Bill Ogden; Greg Sekera; Abdol M. Dehghani; Mike Toth; and Anna Marie Wilson; Debbie and James Dvorak.

**PRESIDING**

Glenn Ruley, Chairperson

The special meeting of the Contra Costa County Committee on School District Organization, which convened at the Performing Arts Center at Acalanes High School, 1200 Pleasant Hill Road, Lafayette, California, was called to order at 4:13 p.m. with the recitation of the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes of July 2, 2008, were approved as presented (M/S: Mirabella/Borsuk).

**PUBLIC COMMENT**

**Items Not on the Agenda**

None.

**Items on the Agenda**

Chairperson Ruley requested that all persons who wished to comment on the proposal by the City of Walnut Creek for consideration of a transfer of territory from the Mt. Diablo Unified School District to the Walnut Creek School District and Acalanes Union High School District wait until the public hearing to make their comments. Mr. Ruley then invited Ruth Carver to speak for five minutes on Item 5.1.

Mr. Ruley then invited Ruth Carver to speak for five minutes on Item 5.1.

Ms. Carver identified herself as the chief petitioner representing many Walnut Creek School District and some Mt. Diablo Unified School District voters and parents who signed the petition. She noted that the Committee has received hundreds of letters and e-mails from supporters of the petition, including elected officials Walnut Creek Mayor Gwen Regalia and Supervisor Mary Piepho as well as former Assemblywoman Lynne Leach. She requested of the Committee a fair and impartial study of the school district boundaries that divide Walnut Creek, which currently includes five school districts, and she noted that a change in boundaries would relieve the burden on the Mt. Diablo USD, which she believes has grown too large. She requested that the County Committee reform the current system. She noted that the Walnut Creek resolution became a procedural necessity once the County Committee cancelled its April 9, 2008, hearing on this matter and that this resulted in a better proposal. She referred to a study that was ordered 50 years ago, which was not finished for 18 years and which recommended a Walnut Creek school system to improve education. She urged the County Committee not to allow the Walnut Creek community to wait another 18 years before another study is done, and she asked that the County Committee not prejudge her request or base its decision solely on the resolutions submitted by various cities and school districts, which include claims that are unsubstantiated and based on inadequate research. She then stated that the Mt. Diablo USD would actually benefit from being reduced in size and urged the County Committee to allow an impartial study to find if this requested transfer creates any significant net effect. She also urged that the County Committee defer voting on this motion until after it has voted on the resolution proposal from the City of Walnut Creek, and she asked that the Committee not require her group to begin another time-consuming petition.

procedure. Lastly, she asked the County Committee to take a fresh look to consider an easier method for a boundary transfer and that, if a lack of a state budget means that the County Committee cannot afford to conduct a study at this time, she encouraged the Committee to defer its decision until immediately after the state budget is passed.

No other members of the public offered public comment at this time.

#### **STUDY SESSION**

##### **School District Organization: The Process and Practice of Evaluating Petitions/Proposals for School District Reorganization**

Deputy Superintendent Ellen Elster introduced the County Committee’s consultant, Dr. Michael Winters, who presented the study session on “The Process and Practice of Evaluating Proposals for School District Organization.” His presentation addressed the following: basic facts about California’s and Contra Costa County’s political subdivisions that create local government, the local agency reorganization process for cities and most other local agencies—Local Agency Formation Commission (LAFCO), the school district organization process, the differences between school district organization petitions under Education Code section 35700 and proposals filed under Education Code section 35721, key differences between school district organizations and LAFCO reorganizations, community issues that are fueling school district organization interest, considerations for a county committee granting Education Code section 35721 proposals, the timeline for completing the process of approving a contested school district organization petition, and a brief overview of the Education Code section 35721 proposal currently before the Contra Costa County Committee on School District Organization. Mr. Borsuk asked Dr. Winters if it is true that if the Committee were to deny a 10% percent petition, the decision could not be appealed to the State, and Dr. Winters stated that only a 25% percent petition could be appealed to the State. However, he also reminded the County Committee that what it would be considering this evening is a proposal and not a petition. Dr. Winters also cautioned that if the County Committee takes this proposal on as theirs, the County Office of Education would have to pay all costs associated with it. Mrs. Mirabella asked Dr. Winters to clarify which two high schools are involved in the proposal, and Dr. Winters stated that, based on the description of the attendance areas in the proposal, Ygnacio Valley High School and Northgate High School are the two high schools involved. Mrs. Mirabella also asked if the Pleasanton-Dublin proposal that was successful was a 25% proposal. Dr. Winters indicated that he did not have that information, and Mrs. Mirabella requested that he get back to her with it. Mrs. Mirabella then asked if the group were to submit a 25% petition, would it only involve the gathering of signatures or would the petition have to be rewritten. Deputy County Counsel Mary Ann Mason clarified that the 10% petition that was filed in January 2008 represented 10% of the registered voters who live within the current boundary of the Walnut Creek School District; they were not registered voters in general that were living in the territory to be transferred; therefore, the vast majority of those signatures would not count toward a 25% petition. She stated that the 25% petition would have to consist of signatures coming solely from the territory proposed for transfer. Dr. Winters summarized his presentation, and there were no more questions from the County Committee.

#### **COUNTY COMMITTEE DELIBERATIONS AND ACTION**

##### **Consider Letter from Ruth Carver Requesting that County Committee Initiate an Action to Reorganize School District Boundaries in the Walnut Creek Area**

Mr. Ruley asked Deputy Superintendent Ellen Elster to provide her recommendation for the County Committee’s action on this letter request. Mrs. Elster stated that this item concerns a letter request from Ruth Carver asking that the County Committee initiate its own action to transfer school district territory in the Walnut Creek area, and she noted that the territory proposed for transfer was set forth at the bottom of the letter and is identical to the proposal submitted by the City of Walnut Creek that the County Committee would be considering in a public hearing later in the evening. Mrs. Elster then recommended that the County Committee decline the letter request simply on the grounds that it is duplicative and to move forward with the public hearing on the City proposal to transfer the subject territory.

Mr. Ruley invited the County Committee to decide how it wished to proceed. Mr. Gomes stated that it is the perception that the Mt. Diablo USD is too large that appears to be the compelling issue behind by the petition received from the leadership and members of Walnut Creek Schools Together Now. He stated that the group appears to feel that the district’s largeness is a prime cause of the educational problems that they perceive for their children and that if the district boundaries were reorganized, their problems would be solved. He pointed out that, while the people who signed the 10% petition believe they have much to gain, the people who reside in the Mt. Diablo USD believe just as strongly that they have much to lose educationally and financially. He pointed out that a 25% petition would allow the electorate in the Mt. Diablo USD territory that

is proposed to be transferred to express their desires regarding any reorganization. In the interest of fairness and justice to all parties, he stated that he could not, in good conscience, support any further action by the County Committee to initiate a reorganization proceeding on its own accord. He then moved that the County Committee take no further action on this letter of request, and Daniel Borsuk, after seeking further clarification on the matter, seconded the motion. Mrs. Mirabella stated that she agreed with Mr. Gomes and Mr. Borsuk because she believes that the request needs to come from the entire community and not just one person. Dr. Krapf stated that he also was not in favor of the request and would consider the City's proposal later in the evening. The County Committee then voted unanimously to decline the request from Ruth Carver to have the County Committee initiate an action to reorganize school district boundaries in the Walnut Creek area.

**RECESS**

The County Committee recessed from 5:00 p.m. to 5:19 p.m.

**PUBLIC HEARING ON THE  
PROPOSAL FROM THE CITY OF  
WALNUT CREEK THAT TERRI-  
TORY BE TRANSFERRED FROM  
MT. DIABLO USD TO THE  
WALNUT CREEK SD AND THE  
ACALANES UHSD  
Comments from Staff and  
Consultant**

At 5:19 p.m., Chairperson Ruley opened the September 10, 2008, hearing on a proposal submitted by the City of Walnut Creek pursuant to Education Code section 35721(c) to the Contra Costa County Committee on School District Organization to initiate its own petition to transfer territory from the Mt. Diablo USD to the Walnut Creek SD and the Acalanes UHSD. He announced that the purpose of the hearing would be to obtain information from the local community to assist the County Committee in making its determination regarding whether or not it should grant the city's proposal and move forward with the County Committee's own petition to reorganize the Mt. Diablo USD, Walnut Creek SD, and Acalanes UHSD as proposed. Mr. Ruley then explained how speakers would be called forward: he would rotate through the speakers' cards in the order in which speakers submitted them by calling forward a proponent followed by an opponent and then a neutral speaker. He also stated that, although the County Committee has received many written comments on the proposed territory transfer, the Committee would accept any additional written comments from any persons who wished to submit them. Mr. Ruley then provided a brief background on the County Committee's history and duties.

Mrs. Elster explained that the City Council for the City of Walnut Creek adopted a resolution pursuant to Education Code section 35721(c) for consideration of a proposal to transfer school district territory from the Mt. Diablo USD to the Walnut Creek SD and the Acalanes UHSD. She also described the process that would follow if the Committee voted to approve the proposal and take it on as its own petition and stated that such a decision to approve the proposal would be appealable to the State Board of Education. She noted, however, that if the Committee were to deny the proposal, the decision would be final and would not be appealable to the State Board of Education. Mrs. Elster mentioned that the Committee has received many written communications, both pro and con, regarding this matter and that these have been made part of the record of this hearing and are available for review by the public this evening. In addition, she noted that if any attendees had not received a copy of Consultant Michael Winter's Powerpoint presentation, it is available on the Contra Costa County Office of Education's Web site and that it, too, has been made a part of the record for this public hearing. She then described the territory with regard to land, schools, and attendance areas that the Walnut Creek City Council's resolution proposes to be transferred from the Mt. Diablo USD to the Walnut Creek SD and Acalanes UHSD.

Chairperson Ruley then explained how the hearing would be conducted, and he reminded the attendees that 90 minutes would be allotted for comments from the public and that each speaker would have one minute to address the County Committee.

**Comments from City of Walnut  
Creek**

Gwen Regalia, mayor of the City of Walnut Creek, stated that the City Council felt that the Walnut Creek Schools Together Now group was not given the hearing that it felt the group was entitled to have; therefore, the Council passed a resolution to request this hearing. She noted that the Council has not taken a position on this matter, but it believes that the citizens of their community have a right to be heard. She then turned the microphone over to Dodie Katague of Walnut Creek Schools Together Now, who gave a Powerpoint presentation. He noted the schools that would be transferred under the proposal and argued that the proposal does not include Ygnacio Valley High School because there are no people residing in those enrollment areas. He

also stated that currently Walnut Creek is split down the middle so that students attend two different school districts with two different school schedules, two different school administrations, and two different sets of educational policies. His presentation included arguments in favor of the proposal before the County Committee including how their group would welcome an environmental quality study because the proposed transfer would improve the environment of Walnut Creek, comparisons of test scores and rankings with regard to schools in the Mt. Diablo USD, the large size of the Mt. Diablo USD, community identity with regard to Walnut Creek, the effect on children's sports activities when a child lives in Walnut Creek but attends a Mt. Diablo school, representation in the Mt. Diablo USD favors people residing in Concord because Walnut Creek represents a political minority and is consistently outvoted, Walnut Creek residents would be happy to pay a parcel tax to have their students attend Walnut Creek SD schools, his contention that the Concord Naval Weapons Station land will eventually become part of the Mt. Diablo USD, and traffic patterns support transferring the territory.

**Comments from Walnut Creek School District**

Barbara Pennington, president of the Walnut Creek School District's governing board, stated that the Walnut Creek SD voted on September 2, 2008, unanimously to oppose the territory transfer. She added that the governing board could not agree to the proposal without clear knowledge of its impact on the district's resources because to do so would mean that they would not be conscientious stewards of those resources. Additionally, she stated that the governing board's primary responsibility is to act in the best interest of every student in their district, and, therefore, they felt that they could not jeopardize their student's quality education by supporting the proposal.

Dr. Patricia Wool, superintendent of the Walnut Creek SD, spoke to her district's opposition to the proposal and noted that the County Committee had received the Walnut Creek SD's impact report. Reasons Dr. Wool gave for her district not supporting the proposal included the following: students currently attending schools in Pleasant Hill would burden the Walnut Creek SD because their schools would not be transferred with them; it would be necessary to build one or two schools to accommodate the Pleasant Hill students in order to maintain the lower class sizes that are presently offered; attendance area boundaries would have to be adjusted, and this would create divisions within the community; 677 non-Walnut Creek students attend the schools included in the proposal that are currently part of the Mt. Diablo USD and might wish to continue attending those schools if the proposal is approved by the County Committee; students who reside in Walnut Creek but who attend Lafayette School District or San Ramon Valley USD are excluded from the proposal; class sizes might be affected; there is a salary disparity between Mt. Diablo USD and Walnut Creek SD; the textbooks are not aligned between the two districts, and it would be extremely costly to purchase new textbooks; and Mt. Diablo USD schools would need to be brought up to the standards of Walnut Creek SD schools.

With regard to special education, Dr. Wool read into the record a letter in opposition to the proposal from Contra Costa Special Educational Local Plan Area (SELPA) Director Stephany La Londe: "It has come to my attention that in an article from Walnut Creek Schools Together Now dated September 3, 2008, it is indicated that '...actions are not driven by what is best for the students or the community.' As the SELPA Director for Walnut Creek and Acalanes School Districts, I see significant impact on the districts and students with special needs who would be transferred from Mt. Diablo. Approximately 450 students with disabilities will need to be serviced, and of that number, a large proportion is comprised of students with autism or students with severe mental health issues. In both of these cases, programs must be highly structured and individualized. New buildings, classrooms, highly qualified staff, and mental health counselors would need to be provided. Mt. Diablo currently serves these students in their district-designed programs that would not automatically be transferred with the students. Therefore, it is not in the best interest of students with special needs to undergo this transition. The fiscal impact of an influx of 450 students with disabilities would also be significant. The Walnut Creek and Acalanes district service providers as well as the SELPA oversight of an additional 450 students and their programs would undoubtedly further be expensed from the district's general funds. I disagree with the article's quote from above. In fact, opposition to this territory transfer is indeed in the best interest of students with disabilities and their communities."

In closing, Dr. Wool described how her district is suffering from dwindling resources and that there are no resources to support the proposal. She urged the County Committee to oppose the proposal.

**Comments from Acalanes Union  
High School District**

Jim Negri, superintendent of the Acalanes UHSD, stated that the governing board of the Acalanes Union HSD voted unanimously to oppose the territory transfer proposal on September 3, 2008. The reasons cited were as follows: the proposed transfer would have a negative financial impact on the district; the proposal addresses advantages only for selected students in the Mt. Diablo USD while not addressing the disadvantages it creates for the other Mt. Diablo USD students; it offers no advantages for the students in the Acalanes UHSD; his district does not seek to annex territory from any other district, especially when the other district opposes the annexation; the proposal does not include the Lafayette School District and San Ramon Valley USD students who reside in Walnut Creek, so the proposal does not benefit all Walnut Creek students; approving the proposal would negatively impact the education of the district's students in Canyon, Lafayette, Moraga, and Orinda; the three districts affected by the proposed transfer of territory all oppose it; and he questions why resources are being spent on this issue when no school district or city council supports it. Mr. Negri also explained the factors involved with two territory transfers affecting several Bay Area districts and how they differed from the present proposal. He also pointed out that, while the proposal speaks to grandfathering students at Northgate High School who do not live in Walnut Creek, history has shown that this process can take up to 12 years. Also, he noted that all of the high schools in the Acalanes UHSD are at enrollment capacity, and the territory transfer would cause the district to incur additional housing costs. He stated that this proposed transfer would make the current financial situation worse and would negatively impact educational programs for all students and that now is not the time for the County Committee to impose additional fiscal burdens on the districts. Mr. Negri cited the differences in salaries and benefits paid to Mt. Diablo USD and Acalanes UHSD employees, and this disparity would result in an increased cost to the Acalanes UHSD of approximately \$25,000 per teacher plus an additional 12% in statutory benefits. In support of his district's position regarding the additional cost to the state and the disparity in curriculum between the districts, he cited that the proposal could not meet statutory conditions E and F. He also noted that parcel tax monies would be stretched too thin when required to provide the same educational programs at Northgate High School, which would jeopardize the promises made to Acalanes UHSD voters; facilities would also have to be brought up to Acalanes UHSD's standards, and this cost would be significant. He added that additional state funding would be required because of the higher revenue limit formula, and he spoke against the argument that Mt. Diablo USD is perceived to be too large. Lastly, he stated that the proposal does not provide significant advantages for the Acalanes UHSD and brings with it additional burdens, and he encouraged the County Committee to deny the proposal.

**Comments from Mt. Diablo Unified  
School District**

April Treece, president of the Mt. Diablo USD governing board, stated that the Mt. Diablo USD students residing in Walnut Creek are receiving a vigorous and relevant public education. She noted that the governing board of the Mt. Diablo USD voted unanimously to oppose the proposal on January 8, 2008, because this transfer would not benefit students in any of the three districts involved and would, in fact, create new challenges for each of them. She stated that there is no evidence that the transfer would improve student learning, and it would negatively impact on issues of equity and school choice in the Mt. Diablo USD in addition to having a negative financial impact during the statewide budget crisis. Ms. Treece described how important parental involvement is in the Mt. Diablo USD and how the administration is responsive to parents and attentive to all schools in the district. She stated that, although the district might be large, the focus is on each student, and she asked the County Committee to respect the opinions of three governing boards that have voted against the proposal.

Gary McHenry, superintendent of the Mt. Diablo USD, addressed the perception that the Mt. Diablo USD is too large by stating that the district currently has 35,000 students and that there was a time when the district had 48,000 students. He then gave some background on the students served by the district, services offered through the Mt. Diablo USD, and the successes achieved by the district's students. He also described the cuts that the state financial crisis has necessitated, as well as other reductions in the budget that have occurred in recent years, and how the district has never failed to meet its financial obligations. He pointed out how well the district has managed its parcel tax monies, completing millions of dollars' worth of facility improvement projects on time. He noted that, although the Walnut Creek citizens are seeking to have their children served by Walnut Creek schools, there are Walnut Creek students being served by other school districts that have not been included in the proposal. He argued that people residing in the territory that is proposed for transfer would be subjected to parcel taxes for which they did not vote. He then requested that the County Committee oppose the proposal.

**Response from City of Walnut Creek** Ruth Carver informed the County Committee that her group has determined that it would be impossible for them to pursue this proposal with a 25% petition based on the difficulties she has had in securing a school boundary map and in deciding on exactly which areas should be transferred into the Walnut Creek SD. She also expressed surprise that Dr. Winters told the County Committee that it should consider its relations with the County Superintendent of Schools, County Board of Education, and County Office of Education as a factor in its decision because Mrs. Elster had assured her that the County Committee and staff would remain neutral. She argued that this would indicate an inherent conflict in having the members of the County Board of Education serve as the members of the County Committee, and she urged the County Committee to overcome these relationships in making its decision. She also asked that the Committee take the size of the Mt. Diablo USD in context, and she mentioned differences between the San Ramon USD and Mt. Diablo USD with regard to parcel monies and labor relations. She asked the County Committee to consider the positive aspects of change.

**Response from Walnut Creek School District** Walnut Creek SD Governing Board President Barbara Pennington noted that the proponents of the proposal have stated that smaller is better and bigger is bad; however, the proposal almost doubles the size of the Walnut Creek SD. She reminded the Committee that, while parental support is important, at issue are the benefits received by all of the students in all of the districts involved.

Dr. Wool reiterated that this proposal does not support better education and that the education of 450 special education students would suffer. If the transfer were successful, the education for all students could be jeopardized over the time period it would take for issues such as alignment of textbooks, staff development, and technology to be resolved. Lastly, she noted that the Walnut Creek SD has limited resources, described the cuts that her district has suffered in the past school year, and stated that the district would be financially harmed even more if this transfer were approved. She stated that, amidst this cost-cutting crisis, the district would like to be able to continue to offer excellence to its students and the costs associated with territory transfer would jeopardize the district's ability to provide this level of excellence even more; also, there are presently no additional dollars to study this proposal on how to make it work. She reminded them that three school district governing boards and three district superintendents are requesting that the County Committee oppose the transfer in the best interests of students.

**Response from Acalanes Union High School District** Acalanes UHSD Superintendent Jim Negri stated that, while the speakers before their governing board and the e-mails he has received have stated that all that is wanted is a study, the agenda item on this matter before the County Committee clearly calls for a transfer of territory. He noted that the consultant had stated that a 25% petition could bring about a study, but the petitioners have stated that they do not believe it would be possible to collect so many signatures. He argued that no governing board, no superintendent, and no city council supports the transfer and that clearly there is no benefit outlined in the petition for the Acalanes UHSD but additional costs would be incurred. He pointed out that the district's reserve is down to barely above the legal minimum. He also clarified that even though the revenue follows the students, the state funds K-8 districts, unified districts, and high school districts at significantly different revenue limit levels; therefore, Criteria E would require the state to increase funding to the Acalanes UHSD, and he again asked the County Committee to oppose the transfer.

**Response from Mt. Diablo Unified School District** Mt. Diablo USD Superintendent Gary McHenry asked the County Committee again to deny the proposal because all three governing boards, which were elected by the voters in those districts, have gone on the record to state that they do not support this proposal. He assured attendees that the Mt. Diablo USD currently has a teacher in every classroom, and even though the district has over 4,000 students with disabilities at a cost of \$67 million, the district is still solvent, which is an indication that the district is being managed well. He noted that 18% of the district's population is made up of English language learners, and this is reflected in the test scores. He also pointed out that the district has a policy of allowing students to attend any school in the district as long as there is space because they are committed to supporting families and parents to make student achievement the first priority of the district.

**Recess** Prior to the 90-minute public comment period, the Committee recessed from 6:36 to 6:45 p.m.

**Comments from the Public** Chairperson Raley invited comments from the public, and he reminded speakers to present their points clearly because they would be allowed only one minute each in order to receive input from as many speakers as possible.

The following persons spoke in support of the proposal: Sara Schroeder, Joseph Lyons, Gwen Regalia, Brad Madix, Matt Williams, Mark Rigau, Dodie Katague, Dorothy Hughes, Giles Hinchliff, Lisa Stackpole, Steve Dell'Anno, Lisa Dell'Anno, Susan Horning, Theresa Merenlear, Julie Chesnutt, Lori Woodworth, Hannah Clayborn, Eric Anderson, Mike Wunder, Stacy Woodworth, Marlene Penuela-Mackouse, Mary Hain, Lillian Tsai, Molly Anderson, Dana Morris, Daniela Rinard, Janet Read, Cynthia Henry, Gary Pearl, Jahan Shafizadeh, Alisa Mac Cormac, Janis Roberts, Kimberly Harris, John Gregory, Linda Loza, Kris Cropper, Geertie Balke, Dave Ackerman, Debbie Lind, Jacqueline Halm, Kevin Puett, Gary Veasy, Robert Martz, Sara Schulting-Kranz, Ron Loza, Mary Gray, Justin Chew, and Adam Sparks.

Reasons cited for supporting the proposal included the following: the Mt. Diablo USD has failed students; school district boundaries should follow city boundaries; a study should be done to help evaluate whether it would be advantageous or not to transfer the territory; the Mt. Diablo USD high schools that serve the students in Walnut Creek are located much farther away than the high schools in the Acalanes UHSD; the opponents are incorrect about the costs connected to the proposal; without a study, the full impact of the proposal cannot be known, so the affected school districts should not be citing premature assumptions; the Walnut Creek Education Foundation, which accepts donations from merchants, businesses, and family supporters on an annual basis, only benefits the schools that are part of the Walnut Creek School District and Las Lomas High School even though there are Walnut Creek children who attend Mt. Diablo USD schools; the Walnut Creek community is currently split right down the middle, with half of the students attending Walnut Creek SD and Acalanes UHSD schools and the other half attending Mt. Diablo USD schools; even though there appear to be costs associated with the transfer, one should look ahead 10, 20, or 50 years from now because this transfer will eventually prove to be beneficial; Mt. Diablo does not provide services for dyslexic students; all Walnut Creek residents deserve to fully participate in their community; some residents are taxed for Acalanes UHSD bonds even though their children are not in that district; the Mt. Diablo USD has become too large and it struggles with administrative dysfunction and failing finances; a one-time cost would result in an outcome that would be of lasting duration for generations to come; the Mt. Diablo USD uses too many substitute teachers, so it needs to be made smaller and easier to manage; a decision cannot be made without all the facts, so the proposal should be evaluated; feeder patterns in Mt. Diablo USD do not make sense, so friends are separated; the distances to Mt. Diablo USD schools cause air pollution, traffic problems, and safety issues throughout the community; the school district boundaries of Central Contra Costa County are obsolete and do not reflect the needs of the community now or in the future; the school administrators are only seeing perceived negative impacts that cannot be substantiated at this time; doing nothing is approving failure; if a parcel tax is needed, the citizens will vote one in; it is a fact that teacher exodus and the quality of education are concerns in the Mt. Diablo USD schools; there are many statistics to support the argument that the Mt. Diablo USD is a failing district; the impact of the proposal is purely speculative, so an independent study is needed; and it is outrageous that students must be driven six miles down Ygnacio Valley Road to attend Northgate High School.

The following persons spoke in opposition to the proposal: Elizabeth Wadsworth, Arthur Clarke; Paul Strange, Kevin Sullivan, Matt Lovett, Don Parker, Bill Holian, Dorothy Englund, John Hanecak, Mitchell Miller, Sandy Cremin, Toby Hopstone, Toni Steil-Bozym, Gloriann Sasser, Tim Cremin, David Rafal, Edmon Soliman, Nancy Bennett, Jo Sciarroni, Ed Wohlers, Kathleen Scott, Nancy Weatherford, and John Hanecak.

Reasons cited for opposing the proposal included the following: the Mt. Diablo USD has been severely impacted by loss of state funding, and this proposal would cause more hardship to the district; the proponents are largely interested in having their property values increase; the API scores are not all that different between the schools in the Mt. Diablo USD and the Walnut Creek SD in the area proposed to be transferred, and this should indicate that there is no difference in the education received by the students of these two districts; this territory transfer would negatively impact Pleasant Hill students; the transfer would have a negative impact on Eagle Peak Montessori Charter School because the legal agreement it has currently with Mt. Diablo USD would be negated, and the transfer would require complex legal maneuverings with Walnut Creek SD or the County Board of Education in order to move the charter; people chose their homes based on the schools their children would attend, and this transfer would affect their rights to

continue attending those schools; the transfer would deeply affect the quality of students' education in the Walnut Creek SD and Acalanes UHSD; this transfer would set a precedent for further requests to transfer territory so that parents' children can attend better schools; parents should become involved with their current school district to change things to make their children's education better; mismanagement of the Mt. Diablo USD has culminated in this proposal, but the district's problems cannot be resolved by losing the Walnut Creek schools and families; this transfer represents a transfer of wealth; the students living in the Crossings will feel like interlopers in their own school if the transfer is granted because they live in Concord; the special education program at Walnut Creek SD would be impacted in numerous ways; the transfer would diminish the quality of the education currently provided by the Walnut Creek SD and the Acalanes UHSD; this proposal would require an inappropriate use of public funds during a financially difficult time; this would be a bad precedent for all communities; Concord parents care as much about their children as the Walnut Creek parents and donate time and money to their schools to help the students' education; this proposal is ludicrous in light of these uncertain financial times; this is not what is best for children because it will not improve things for all students, especially since Mt. Diablo USD would lose revenues under this proposal; the City of Pleasant Hill has not taken a position on this matter because it felt that to do so would be premature; and there is the potential danger that a Pleasant Hill school might need to be closed if this proposal is approved.

Chairperson Ruley announced that the 90-minute public comment period had ended, and he closed the public hearing portion of the meeting at 8:17 p.m.

**CONSIDER ACTION TO EITHER GRANT THE PROPOSAL AND SCHEDULE MEETING ON ADOPTION OF TENTATIVE RECOMMENDATION TO REORGANIZE THE SCHOOL DISTRICTS' TERRITORY AS PROPOSED, OR TO DENY THE PROPOSAL; AND TO ADOPT RESOLUTION NO. 08/09-1 REFLECTING THE DECISION OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

Mr. Gomes read the following prepared statement into the record: "The Walnut Creek City Council, by their resolution of April 15, 2008, has requested that the County Committee on School District Organization allow a public hearing before the Committee on a 10% petition submitted by Walnut Creek Schools Together Now. Since the 10% petition of Walnut Creek Schools Together Now is signed only by the membership and others of the electorate who live in Walnut Creek and who also favor the transfer of territory from the Mt. Diablo Unified School District, but is not signed by any of the electorate who live in the territory that is proposed to be transferred, it would make this petition grossly unfair and unjust to the Mt. Diablo electorate whose territory would be transferred without their approval. If the situation were reversed and the electorate in the Mt. Diablo district were to attempt a 10% petition in order to incorporate the Walnut Creek schools into Mt. Diablo Unified School District, I'm sure that the electorate in Walnut Creek would be up in arms. A 25% petition would allow Walnut Creek Schools Together Now a chance to present their ideas to the electorate in Mt. Diablo whose territory might be transferred with the possibility that enough signatures would be secured to allow a public hearing and subsequent election. Both sides would have a chance to present their ideas in a public forum that would be fair and just to each side. This committee should, with due respect, reject the request of Walnut Creek City Council for the reasons stated above and before and because the boards and staffs of the Mt. Diablo, Acalanes, and Walnut Creek school districts have opposed the 10% petition."

Mr. Borsuk asked if there are some Walnut Creek schools not involved in the transfer proposal, and if so, he stated that he would like to know which schools those are. He also asked about the cost of the study, which he understood to be approximately \$50,000, and he asked what the timing would be for the Environmental Impact Report (EIR) study if the Committee approved a study.

Mrs. Elster clarified that there is no petition; it is a resolution from the City of Walnut Creek that is before the Committee this evening, and the only way that there would be a study is if the County Committee decided that it wanted to be the proponent of the proposal. At that time, there would then be a study and an EIR conducted, and the County Committee would have to bear the costs associated with them. She stated that with a 25% petition, the Committee would have a study performed that would take all of the required criteria into account.

Mrs. Mason added that, with regard to the EIR, the Committee could not finally approve a territory transfer without having complied with CEQA, and typically these processes go on simultaneously up to the ultimate decision. She stated that a CEQA can take a relatively short time if the Committee is in a position to adopt a negative declaration, or it can take a very long time if the Committee's initial study showed the need for an EIR. She noted that, at this time, it is not possible to know whether the CEQA would be a short or long process.

Mrs. Mirabella thanked the City of Walnut Creek for bringing this matter to the Committee so that a public hearing could occur. She then described a study she conducted herself in 1994 to better understand the Acalanes area and why it had never unified, and she specifically studied whether bigger was better with regard to the size of a district. She explained that a later study by UC Berkeley in 1998 deduced that a district of 10,000 to 12,000 students was considered to be most efficient and effective. She noted that, living in the large West Contra Costa USD area, she sympathized with citizens who are unhappy with a big district, and she agreed that bigger is not better. She also noted that there is a 40-year history of attempts to make changes in this particular area, and one might wish to examine why a past attempt to unify the Walnut Creek School District failed. Mrs. Mirabella also discussed a boundary study called “Ragged Edges” conducted over an eight-year period by the County Committee prior to her election to the County Board of Education, and the Mt. Diablo USD was asked in 1989 to agree to continue to review their common boundaries with other school districts to examine what might be good for children. She clarified that what she would be voting on this evening is a proposal to have the County Committee take it on as its own, and that is not something she would be interested in; rather, she believes that school districts should be examining feeder patterns to alleviate unacceptable situations where students are traveling six miles to a school instead of two miles to a closer school. She said that she was also concerned that several residents had mentioned that they pay taxes to districts when they are not receiving benefits from those districts, and she would like to have this verified. She then explained that the County Committee does not have a budget for its work, the Committee members are not paid to do their work, and the Committee does not receive any funds for its work; therefore, the cost for a study would be a real concern. Lastly, she stated that she agrees with Mr. Gomes that the County Committee is not actually ready to vote for the proposal that is currently before it.

Mrs. Mason stated that Mrs. Mirabella was correct that the proposal requires that the County Committee hold a public hearing, which it has tonight, and then either vote to grant the proposal and move forward with it as the Committee’s own proposal, go through the assessment of whether or not it meets the nine conditions, hold public hearings in all affected districts, and perform a CEQA or vote to deny the proposal, which would bring this particular process to an end. She noted that a 25% petition could be pursued by the citizens for future consideration by the County Committee.

Dr. Krapf expressed that a major concern is the financial impact that this proposal would have on all of the districts’ special education programs and the ramifications that the transfer would have on students with disabilities. He stated that the County Committee would need to hear from people who reside in areas that would be affected by having the higher performing schools transferred to another district. He also noted that he did not believe the County Committee should take on this proposal as its own. Chairperson Ruley stated that he is concerned with the fact that no school district or city supports the proposal before the County Committee; therefore, he also does not support it. Mr. Borsuk added that the best approach would be the submittal of a 25% petition because the Committee’s decision could be appealed to the State Board of Education. He also stated that the proposal does not appear to have any educational merits with regard to the school districts involved and would create disruptions to the students’ education due to curriculum alignment issues, changes in class sizes, textbook alignment, and special education.

Dr. Krapf moved that the County Committee deny the proposal and adopt Resolution No. 08/09-1 reflecting the decision of the County Committee on School District Organization, Mrs. Mirabella seconded the motion, and the County Committee voted unanimously to approve the motion to deny the proposal.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:35 p.m.

Ellen Elster, Secretary Designee  
County Committee on School District Organization