

Fresno County Committee on School District Organization
County of Fresno, California

BUSINESS MEETING MINUTES

Thursday, August 29, 2013, 6:00 p.m.

Fresno County Office of Education
Tower Building, Room 101T
1111 Van Ness Avenue, Fresno, California 93721

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairperson Dr. Larry Wilder called the meeting to order at 6:02 p.m. Attendees recited the Pledge of Allegiance.

II. ROLL CALL

Susan B. Bailey, Recording Secretary, called roll. There are eleven Committee seats. Six members establish a quorum. Votes are recorded in the following order: For-Against-Absent-Abstain.

Members present: Frank Butterfield, Brian Heryford, Joan Minasian, Dr. Nellie Neri, Michael O'Hare, Tracy Rodriguez, and Dr. Larry Wilder.

Members absent: Ken Marcantonio.

One vacancy.

Quorum established at time of roll call. Member Paul Betancourt and Member Michael O'Hare arrived at 6:03 p.m. just after roll call.

No additions or corrections were made to the agenda.

Others present: David A. Soldani, Legal Counsel for the Fresno County Committee on School District Organization ("FCCSDO"), Atkinson Andelson Law Firm of Fresno, California; Maiya Yang, Legal Counsel for the Fresno County Superintendent of Schools ("FCSS"), Fresno County Office of Education ("FCOE"); Ed Gonzalez, Administrator, Educational Services, FCOE; Neal E. Costanzo, Legal Counsel for Petitioners (Agenda item III.), Costanzo & Associates Law Firm of Fresno, California; Benjamin Rosenbaum, Legal Counsel for Coalinga-Huron Unified School District ("CHUSD", "District"), Lozano Smith Law Firm of Fresno, California; Richard Martin, Deputy Superintendent/CFO, Business Services, FCOE; Jeff Becker, Director of Facilities & Operations, FCOE; Dr. Kathryn Catania, Deputy Superintendent, Educational Services, FCOE; Roger Campbell, Superintendent, CHUSD; Guillermo Berumen, English/Spanish Interpreter, Fresno Unified School District; and, approximately 25 others.

III. CONSIDERATION OF RECOMMENDATION TO THE STATE BOARD OF EDUCATION REGARDING THE BELOW MATTER

Issue: Whether the Fresno County Committee on School District Organization ("FCCSDO") shall recommend approval of a citizens' petition to re-organize the Coalinga-Huron Unified School District and create a new unified school district "Huron Unified School District."

Pursuant to Education Code § 35706, a county committee on school district organization may recommend approval or disapproval to the State Board of Education (“SBE”) of a petition filed under Education Code § 35700.

A. Presentation of staff report – Fresno County Office of Education

FCOE Deputy Superintendent Kathryn Catania stated that two corrections need to be noted on the staff report. The two corrections that will be made in the report prior to sending it on to the SBE are as follows:

1. On page 4 of 18, Criterion 1, Staff Analysis, "...the enrollment data for CHUSD as provided by CDE's Dataquest reflects a 94 percent decline...". The "94 percent decline" will be changed to "94 student decline".
2. On page 5 of 18, the entire top paragraph was inadvertently included, "Although it is difficult...". The paragraph will be deleted.

Prior to Agenda item III. B., Mr. Gonzalez informed the audience that services are available for those parents that speak Spanish.

B. Legal opinion presented by David A. Soldani – Adkinson Andelson Law Firm of Fresno

Attorney Soldani referenced his August 26, 2013 letter to the FCCSDO. It contains his opinion regarding the staff report and the recommendation. It also outlines FCCSDO's options. He believes the process was objective and believes FCOE's recommendation is supported by the evidence. Mr. Soldani stated that the FCCSDO has the following options: adopt the report, request that changes be made to the report and adopt that revised version, reject the entire report, or direct staff to conduct further research and analysis. The goal is to make the findings that are required pursuant to Education Code section 35753. The FCCSDO will be taking an individual roll call vote as to each of the criterion. The FCCSDO will then make a recommendation to the SBE regarding the petition. The SBE will make a final decision. Mr. Soldani will answer any questions from the FCCSDO regarding the process, letter, or staff report.

Public comments on Agenda item III. (30 minutes maximum)

Neal E. Costanzo, Attorney for the petitioners. Mr. Costanzo referenced his August 28, 2013 letter to the FCCSDO. Mr. Costanzo requested that this letter and subsequent e-mail exchanges among he, Maiya Yang, and David Soldani be included in the official record. He has been attempting to point out that he believes statute requires the FCCSDO to adopt a tentative recommendation and then proceed with public hearings. He believes that the four findings that the FCOE found not to be substantially met are incorrect and/or address a question different than is posed in the actual criteria.

Ben Silva (in favor of the petition). On the criterion regarding race that the FCOE found deficient, FCOE only included the percentages. During the public hearing he gave the FCCSDO testimony and documents that it's about distance. Under Appendage A of the handbook, you can find It needs to be addressed. They are exempt. In 1997 they came to the school district and wanted to integrate Huron Elementary. They wanted to transport students from Coalinga to Huron. It never happened. Since then Chestnut High Continuation and Huron Middle have opened and still no integration. The Huron students are still segregated. As to the facility issue, it would be a comprehensive high school that could accommodate 600 students. Mr. Silva mentioned Vasquez High School. He stated he gave two examples showing how they could feasible build the high school. They would have five years to put a plan together regarding the curriculum and they would follow the State

Public comments on Agenda item III. (Continued)

guidelines. Coalinga has enough high school students. They are currently using the old junior high school building to house high school students. They can convert it to an elementary and ask for a bond measure.

Francisco Chavez (in favor of the petition). Since the last public meeting he has been in contact with construction companies and an architect. They (petitioners) are not getting a chance to move forward. The attorney said there are different opinions on the rules for the FCCSDO. He hopes the FCCSDO makes a tentative decision because there are a lot of facts that need to be considered. He believes they are not getting a fair hearing.

Joe Casarez, Associate Superintendent of CHUSD (against the petition). Mr. Casarez stated that CHUSD does not have the second highest dropout rate nor 60 percent English Learner dropout rate. He thanked the FCOE for correcting those errors in its report.

Benjamin Rosenbaum, Attorney for CHUSD. Mr. Rosenbaum referenced a memorandum he e-mailed the FCCSDO the afternoon of August 29, 2013. When the roll call vote takes place, they are requesting motions to have particular votes regarding some of the facts. While FCOE staff has amended the staff report regarding a paragraph that had inaccurate information, they did not amend the recommendation to line up with what CHUSD believes are the facts. Once the paragraph is removed from the analysis of Criterion 1, the staff report does not contain any objective facts that support the recommendation that this petition does meet that criterion. He strongly urged a finding that Criterion 2, not 1, is not met. His memorandum does point out two errors that affect Criterion 3 in FCOE's report. One is unissued bonds of which he believes is largely a clerical error but he believes it does away with much of the analysis. The largest error is the lack of discussion regarding financial inequity based on where the line has been drawn. The staff report notes that equity of the proposed boundaries of the districts will greatly influence the outcome of Criterion 3 but then there is no analysis of where that line is drawn. His memorandum contains a quote of his original analysis that was submitted to the FCCSDO that covers the difference in bonding capacity, tax revenue base, and the actual amount of students left within the existing district. Criterion 3 is not satisfied.

Jim Allen, Assistant Superintendent of CHUSD (against the petition). Mr. Allen concurs that there are two points in the staff report that are incorrect. The first error involves the balance of authorized but unissued bonds. They have no more bond ability. They have issued everything that was authorized by the voters. They have not spent it all but they are dedicated to Measure E projects. The second error has to do with the gross inequity of the proposed split in that close to \$110 million of assessed valuation would be moved from trustee boundary two into trustee boundary one thus benefiting the new Huron Unified district far beyond the prorated share of the students they are accepting responsibility for.

Handouts available to attendees:

Staff Report and Recommendations Regarding Petition for Transfer of Territory from the Coalinga-Huron Unified School District to Form the Huron Unified School District; August 26, 2013 letter to the FCCSDO from David A. Soldani; August 28, 2013 letter to the FCCSDO from Neal E. Costanzo; August 29, 2013 memorandum to the FCCSDO from Richard Martin.

C. FCCSDO Deliberations

The FCCSDO presented no questions or comments.

D. Roll call vote on criteria 1-9 of Education Code section 35753(a)

The language of each criterion of Education Code section 35753(a) was read individually by the Recording Secretary before each roll call vote.

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

Substantially Met: 9; Not Substantially Met: 0

Number 2: The districts are each organized on the basis of a substantial community identity.

Substantially Met: 9; Not Substantially Met: 0

Number 3: The proposal will result in an equitable division of property and facilities of the original district or districts.

Substantially Met: 8; Not Substantially Met: 1 (Heryford)

Number 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.

Substantially Met: 0; Not Substantially Met: 9

Number 5: Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

Substantially Met: 9; Not Substantially Met: 0

Number 6: The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.

Substantially Met: 0; Not Substantially Met: 9

Number 7: Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

Substantially Met: 0; Not Substantially Met: 9

Number 8: The proposed reorganization is primarily designed for purposes other than to significantly increase property values.

Substantially Met: 9; Not Substantially Met: 0

Number 9: The proposed reorganization will cont

inue 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.

Substantially Met: 2 (Heryford & O'Hare); Not Substantially Met: 7

Number 10: Any other criteria as the board may, by regulation, prescribe.

Not Applicable

In summary, the FCCSDO found five of the criteria to be substantially met (1, 2, 3, 5, 8) and four of the criteria not substantially met (4, 6, 7, 9). Criterion 10 is not applicable.

E. Recommendation to the State Board of Education for Approval or Disapproval of the Petition

Motion - Member Cox made a motion to recommend that the State Board of Education disapprove the petition.

Recommendation for Disapproval: 9; Recommendation for Approval: 0

In summary, pursuant to Education Code section 35706, the FCCSDO recommends the SBE disapprove the petition for the division.

IV. APPROVAL OF MAY 13, 2013 MINUTES

Motion – Member Heryford moved to approve the May 13, 2013 minutes as presented. Member Minasian seconded the motion. No discussion. Motion passed unanimously (9-0-1-0). One vacancy.

V. APPROVAL OF MAY 20, 2013 MINUTES

Motion – Member Heryford moved to approve the May 20, 2013 minutes as presented. Member Neri seconded the motion. No discussion. Motion passed unanimously (9-0-1-0). One vacancy.

VI. DISCUSS/SET NEXT MEETING AND/OR PUBLIC HEARING(S)

There is currently no reorganization issue that needs to be addressed by the FCCSDO. Members will be polled for meeting availability once an issue arises.

VII. OLD BUSINESS

None.

VIII. NEW BUSINESS

None.

IX. ADJOURNMENT

Chairperson Dr. Wilder adjourned the meeting at 6:50 p.m.

APPROVED: November 7, 2013