

**Santa Monica-Malibu Unified School District
Board of Education Meeting
ADDENDUM TO THE AGENDA**

November 19, 2015

TABLE OF CONTENTS

CONSENT ITEMS

A.05a Fiscal Year 2006-17 Continued Funding

ADD: New, time-sensitive item on the agenda (*page 2 of this addendum*)

DISCUSSION ITEMS

D.01a Potential Next Steps Following the Updated Information from the Financial Oversight Committee (FOC) on Budgetary Implications of a Malibu Unification, Including the Possibility of a Board Resolution; Consideration of Proposed Board Resolution Submitted by Board Member Foster

ADD: New item on the agenda (*pages 3-9-8 of this addendum*)

MAJOR ITEMS

INFORMATION ITEMS

SW

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/19/15

FROM: SANDRA LYON / TERRY DELORIA / ALICE CHUNG

RE: FISCAL YEAR 2016-17 CONTINUED FUNDING APPLICATION

RECOMMENDATION NO. A.

It is recommended that the Board of Education approve for Child Development Services (CDS) to submit the FY 2016-17 Continued Funding Application with the California Department of Education for the purpose of providing subsidized services to eligible families with children in the infant, preschool, and school-age before-and-after school programs.

COMMENT: Management Bulletin (MB 15-12) offers existing California Department of Education contractors the opportunity to request continued funding for FY 2016-2017.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

DISCUSSION

11/19/15

FROM: LAURIE LIEBERMAN / JOSE ESCARCE

ADDENDUM

RE: POTENTIAL NEXT STEPS FOLLOWING THE UPDATED INFORMATION FROM THE FINANCIAL OVERSIGHT COMMITTEE (FOC) ON BUDGETARY IMPLICATIONS OF A MALIBU UNIFICATION, INCLUDING THE POSSIBILITY OF A BOARD RESOLUTION; CONSIDERATION OF PROPOSED BOARD RESOLUTION SUBMITTED BY BOARD MEMBER FOSTER

DISCUSSION ITEM NO. D.01a

In initial planning for the November 19 Board agenda, Board leadership and staff recognized the need for Board discussion regarding potential next steps in response to the new financial analysis being presented by the Financial Oversight Committee in Item No. D.01. Board leadership assumed this discussion and further staff direction would take place as part of Item No. D.01.

During the November 5, 2015, board meeting, however, Board Member Foster had requested that a resolution regarding Malibu unification be brought forward for Board discussion and consideration. Mr. Foster subsequently submitted the attached resolution (and the exhibit following the resolution), but he was unfortunately unable to submit it prior to this meeting agenda going to print. Board leadership and staff believe that a full discussion and consideration of Mr. Forster's resolution should take place in the context of a broader discussion about potential next steps. Consequently, this discussion item has been added as a follow-up to Item No. D.01 and Board Member Foster's resolution is included for consideration as part of this item.

During this item, staff would like to receive input and direction from the Board regarding next steps following the board's receipt of the new financial analysis in Item No. D.01. An action item will be developed for a subsequent agenda, if the Board so desires.

**BEFORE THE BOARD OF EDUCATION OF THE SANTA
MONICA-MALIBU UNIFIED SCHOOL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA**

RESOLUTION NO. _____

WHEREAS, the City of Malibu and the unincorporated area surrounding the City of Malibu (collectively, hereafter, "greater Malibu"), is currently within the territory of the Santa Monica Malibu Unified School District ("SMMUSD");

WHEREAS, greater Malibu, and specifically the City of Malibu, has developed significantly since greater Malibu was organized as part of SMMUSD;

WHEREAS, under current law the organization of SMMUSD including both Santa Monica and greater Malibu would not be permissible, as California Education Code Section 35543, enacted in 1980, provides that "a school district shall not be formed or reorganized to include territory which is separated from other portions of the territory of the district by the territory of one or more other school districts," and greater Malibu is separated from Santa Monica by the Los Angeles Unified School District.

WHEREAS, the City of Malibu was incorporated in 1991, and greater Malibu, despite significant population growth, has strived to maintain its rural character, while Santa Monica has developed into a densely-populated urban community.

WHEREAS, the city centers of Malibu and Santa Monica, respectively, are separated by several miles, and Santa Monica and Malibu have become distinct communities very different from one another;

WHEREAS, for several years, concerned residents and community groups within greater Malibu have expressed the desire to organize a separate Malibu school district;

WHEREAS, SMMUSD believes it is important that residents choose whether to organize a separate Malibu school district;

WHEREAS, the Malibu City Council unanimously approved a Resolution, pursuant to Section 35721(c) of the California Education Code, seeking to organize a Malibu unified school district;

WHEREAS, residents of greater Malibu have expressed displeasure over the at-large system of election, employed for selecting members of the SMMUSD Board, however the City of Santa Monica adopted a city charter in 1946 that requires its city council and the governing board of SMMUSD to be elected at-large, and that charter provision prevents SMMUSD from adopting district-based elections.

WHEREAS, the principle civic group that has advocated for the organization of a Malibu Unified School District - Advocates for Malibu Public Schools ("AMPS") - has worked cooperatively with SMMUSD staff to investigate the feasibility and desirability of organizing a Malibu Unified School District from the existing territory of SMMUSD, and in that effort jointly retained the services of WestEd to prepare a report on the feasibility and desirability of the contemplated unification;

WHEREAS, the comprehensive report of WestEd, presented to SMMUSD's governing board on July 15, 2015, confirms that unification of a Malibu Unified School District is both feasible and desirable.

WHEREAS, the nine criteria for unification of a school district set forth in Section 35753 of the California Education Code are all satisfied by the contemplated organization of a Malibu Unified School District;

WHEREAS, SMMUSD seeks to ensure that the distribution of assets and liabilities, as part of the organization of a Malibu unified school district, is equitable and allows both resulting school districts to provide excellent educational services to their respective students

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MALIBU RESOLVES AS FOLLOWS:

SECTION 1. Unification of Malibu Unified School District. Pursuant to section 35700 of the California Education Code, the Board of SMMUSD hereby petitions the Los Angeles County Superintendent of Schools to allow the electorate to decide the organization a new Malibu Unified School District ("MUSD"), consisting of the area labeled "Malibu" in the map attached as Exhibit 1, from the territory of the existing SMMUSD.

SECTION 2. Equitable Distribution of Assets and Liabilities and Continuation of Existing Parcel Tax. Pursuant to the authority of the Los Angeles County Board of Education and the Los Angeles County Committee on School District Organization to include plans, recommendations and conditions on a unification plan presented to the affected electorate, the question of unification of MUSD presented to the voters should include the following provisions:

- In the equitable distribution of assets of SMMUSD, the operating reserve should be distributed such that any annual operating shortfall of the remaining Santa Monica Unified School District ("SMUSD") is ameliorated;
- MUSD, not SMUSD, should be responsible for any reasonably necessary remediation of environmental contaminants, including polychlorinated biphenyl, from the schools located within MUSD;
- The existing parcel tax (Measure R) should continue for both Santa Monica and Malibu, benefiting the respective districts; and
- Malibu residents should continue to pay their assessed share of all bonded indebtedness that has already been issued, and SMUSD should be entitled to issue all remaining approved bonds, with the payment of those bonds being the responsibility of residents of SMUSD.

SECTION 3. By-Trustee Area Elections. Pursuant to Sections 35734 and 35762 of the California Education Code, and the general authority of the Los Angeles County Board of Education and the Los Angeles County Committee on School District to include plans, recommendations and conditions on a unification plan presented to the affected electorate, the unification plan presented to the affected electorate should provide for the election of the governing board of MUSD through by-trustee-area elections in conformity with the trustee-area map attached as Exhibit 2.

The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the ____ day of _____, 2015 by the following vote:

Ayes: _____
Noes: _____
Abstentions: _____
Absent: _____

Laurie Lieberman, President
Board of Education of the
Santa Monica-Malibu Unified School District

I, Sandra Lyon, Secretary of the Board of Education of the Santa Monica-Malibu Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Education at its regular meeting held on _____, 2015.

Sandra Lyon, Secretary
Board of Education of the
Santa Monica-Malibu Unified School District

LEGISLATIVE AUTHORITY:

California Education Code Section 35700.

The process of unification of a school district in California, which culminates in approval or rejection by the voters in an election conducted by the County Registrar, can be initiated by a petition from a variety of sources – the governing board of an existing school district, a sufficient portion of the registered voters in an affected area, or a city council that has jurisdiction over at least a portion of the affected area, among others. See Cal. Ed. Code §§ 35700, 35721. Accordingl to staff of the Los Angeles County Committee on School District Organization, a governing board of an existing school district may initiate the process for unification of a new school district within its current boundaries by adopting a resolution.

Specifically, Section 35700 of the California Education Code, entitled “Reorganization of School Districts by the Electorate,” provides, in relevant part:

An action to reorganize one or more districts is initiated upon the filing, with the county superintendent of schools, of a petition to reorganize one or more school districts signed by any of the following:

... (d) A majority of the members of the governing boards of each of the districts that would be affected by the proposed reorganization

The Santa Monica Malibu Unified School District (“SMMUSD”) is the only existing “district that would be affected by the proposed reorganization.” *Id.*

BACKGROUND:

The City of Malibu and the unincorporated area surrounding the City of Malibu (collectively, hereafter, “greater Malibu”), is currently within the territory of SMMUSD. When SMMUSD was first organized, greater Malibu was sparsely populated, and therefore had very few school-age children.

At that time, it made sense for greater Malibu to be part of a larger school district, and thus greater Malibu was organized as part of SMMUSD. However, under current law the organization of SMMUSD would not be permissible. Specifically, California Education Code Section 35543, enacted in 1980, provides that “a school district shall not be formed or reorganized to include territory which is separated from other portions of the territory of the district by the territory of one or more other school districts.” Greater Malibu is separated from Santa Monica by the Los Angeles Unified School District.

For several years, children residing in greater Malibu would attend high school at Santa Monica High School, until the construction of Malibu High School was completed. Currently, children residing in greater Malibu attend one of three elementary schools located in Malibu, then Malibu Junior High School, and Malibu High School – all located within the City of Malibu.

Since its organization into SMMUSD many decades ago, greater Malibu has grown significantly in population, and further developed into a thriving community, distinct from nearby cities, such as Los Angeles and Santa Monica. Greater Malibu now has a population of approximately 20,000, with nearly 2,000 students attending public schools, and even more who attend private schools in and around greater Malibu. The City of Malibu was incorporated in 1991. While Santa Monica has developed into a densely-populated thriving urban community, greater Malibu, despite significant population growth, has strived to maintain its rural character. Greater Malibu and Santa Monica are separated by several miles, and have become distinct communities very different from one another.

For several years, concerned residents and community groups within greater Malibu have expressed the desire to organize a separate Malibu school district. Most recently, one of those community groups, Advocates for Malibu Public Schools (“AMPS”) circulated a voter petition, also pursuant to Ed. Code § 35700, and collected thousands of signatures in support of organizing a separate Malibu school district. Additionally, on September 16, 2015, the Malibu City Council unanimously adopted a resolution, pursuant to Ed. Code § 35721, calling for the organization of a separate Malibu school district.

Residents of greater Malibu have expressed displeasure over the at-large system of election, employed for selecting members of the SMMUSD Board. At-large elections are well-known to dilute minority vote where there is a minority community distinct from the overall community, regardless of whether the minority community is a racial/ethnic minority, socio-economic minority, geographic minority, or any other minority community with interests distinct from those of the majority.

Since the enactment of the California Voting Rights Act (Cal. Elec. Code §§ 14025, et seq.) in 2001, well over 100 school districts have converted from at-large elections to district-based elections, to address that very concern. See Legislative Analysis of Assembly Bill 277 (2015). However, the City of Santa Monica adopted a city charter in 1946 that requires its city council and the governing board of SMMUSD to be elected at-large. The provision in Santa Monica’s city charter providing for at-large elections prevents SMMUSD from adopting district-based elections. See Cal. Ed. Code § 35730.

Over the past few years, AMPS has worked cooperatively with SMMUSD staff to investigate the feasibility and desirability of organizing a Malibu Unified School District from the existing territory of SMMUSD. AMPS and SMMUSD jointly retained the services of WestEd, the premiere education consulting firm, to prepare a report on the feasibility and desirability of the contemplated unification. The comprehensive report of WestEd was presented to SMMUSD’s governing board on July 15, 2015. That report confirms that unification of a Malibu Unified School District is both feasible and desirable.

Specifically, WestEd examined the nine criteria for unification of a school district set forth in Section 35753 of the California Education Code:

- (1) The reorganized districts will be adequate in terms of number of pupils enrolled.
- (2) The districts are each organized on the basis of a substantial community identity.
- (3) The proposal will result in an equitable division of property and facilities of the original district or districts.
- (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.
- (5) Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
- (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.
- (7) Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

- (8) The proposed reorganization is primarily designed for purposes other than to significantly increase property values.
- (9) The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

WestEd concluded that each of these criteria was satisfied.