

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

oab-sftsd-jan24item01

# California State Board of Education January 2024 Agenda Item #19

## Subject

Appeal of an Action of the Los Angeles County Committee on School District Organization to Approve a Petition to Transfer Territory from the Glendale Unified School District to the La Cañada Unified School District.

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue(s)

The Los Angeles County Committee on School District Organization (County Committee) approved a Petition for Transfer of Territory from the Glendale Unified School District (Glendale USD) to the La Cañada School Unified District (La Cañada USD), subsequently referred to as “the Petition.” The Glendale USD submitted an appeal to the California State Board of Education (SBE) of the County Committee action pursuant to California *Education Code* (*EC*) sections 35710.5 and 35711.

The SBE may affirm or reverse the County Committee’s decision to approve the Petition. If the SBE denies this appeal, thereby sustaining the County Committee’s action approving the Petition, it must establish the election area for final voter approval of the Petition (*EC* Section 35756).

## Recommendation

The California Department of Education (CDE) recommends that the SBE deny the appeal, thereby affirming the decision of the County Committee to approve the Petition and allowing the territory transfer to proceed.

## Brief History of Key Issues

The proposed transfer territory is located entirely within the boundaries of the City of La Cañada Flintridge. It is on the northwestern edge of the city, bounded by the La Cañada Flintridge city boundary to the west, north and south; and by the La Cañada Flintridge city boundary and Rosebank Drive to the east. The westerly boundary generally follows Pickens Canyon and the Pickens Canyon flood control channel. Attachment 1 shows the location of the territory. The territory is colloquially referred to as the “Sagebrush” section of the City of La Cañada Flintridge.

Although the territory was incorporated into the City of La Cañada Flintridge in 1976, it is within the boundaries of Glendale USD. The territory is approximately 386 acres in size and contains 879 parcels consisting of single-family residential properties, townhomes, and multi-family residential units. Although the territory is nearly fully developed, some undeveloped hillside areas are located at the north and south sides of the territory.

Between the 1960s and 1990’s, three petitions were submitted to request the transfer of this territory or portions of it from Glendale USD to La Cañada USD. Two legislative attempts to transfer the territory have also been proposed, AB 3240 (Lanterman, 1978) and SB 2121 (Russell, 1996). Neither the petitions nor the legislative attempts were successful. The last unsuccessful attempt was approved by the Los Angeles County Committee in 1992 and appealed to the SBE by Glendale USD. The SBE approved the appeal, denying the transfer in 1993.

The current (fourth) petition was received by the Los Angeles County Office of Education (LACOE) on June 29, 2016. LACOE forwarded the petition to the Los Angeles County Registrar-Recorder/County Clerk (Registrar-Recorder) for signature verification on June 20, 2016. On July 18, 2016, the Registrar-Recorder notified LACOE staff and certified that the petitioners had sufficient signatures to move forward. On September 7, 2016, the petition was presented to the County Committee.

Pursuant to *EC* Section 35705, two public hearings were conducted. One public hearing was conducted at the La Cañada USD District Office on October 26, 2016, and the second one was conducted at the Glendale USD Crescenta Valley High School in La Crescenta on November 2, 2016. In addition to the public hearings, the County Committee received numerous mail and email messages from community members and interest holders, all of which were forwarded to members for review. An initial hearing at which a number of votes were taken, was held on May 3, 2017. There was some confusion as to the nature of these votes, which will be discussed in more detail later in this analysis. A final vote occurred on October 22, 2019, with the County Committee determining that all of the nine minimum threshold conditions of *EC* Section 35753(a) were substantially met,[[1]](#footnote-1) and subsequently voting to approve the Petition.

Glendale USD filed an appeal pursuant to *EC* sections 35710.5 and 35711 on May 14, 2020. They identified the following reasons for the appeal:

* Glendale USD claims that they will lose a substantial number of their minority students at Mountain Avenue Elementary School (Mountain Avenue ES).

Glendale USD’s board policies regarding racial discrimination and ethnic segregation are more robust than LCUSD’s.

* The transfer will negatively impact the integrated educational experience at Mountain Avenue ES.
* The transfer will negatively impact the academic trajectories of English learners at La Cañada USD.
* La Cañada USD does not promote diversity to the extent Glendale USD does, as exemplified by the breadth and success of Glendale USD’s English learner program.
* Backfilling of Glendale USD’s Mountain Avenue ES is speculative.

## CDE Findings and Recommendations

The CDE reviewed the entire administrative record provided by the County Superintendent, including minutes and audio recordings of public hearings and meetings, as well as new information requested and received from the County Superintendent and the affected school districts (pursuant to *EC* Section 35751). After this review, the CDE completed an analysis of the proposed territory transfer and the subsequent appeal. The State Board is not limited to review of only the issues considered by the County Committee, but rather has the authority to conduct a de novo review of the territory transfer. Therefore, the issues considered by CDE are not limited to those raised by Glendale USD in their appeal. The complete analysis and resultant recommendations are contained in attachment 2.  
  
The CDE finds that the Petition substantially meets all nine conditions of subdivision (a) of *EC* Section 35753. In addition, the CDE did not find sufficiently compelling local educational needs or concerns identified by the appeal that would justify denial of the transfer.   
  
Based on these findings, the CDE recommends that the SBE deny the appeal, thereby affirming the decision of the County Committee to approve the Petition and allowing the territory transfer to proceed. Staff further recommends an election area encompassing the territory to be transferred, along with the attendance areas of Crescenta Valley High School and La Cañada High School. The analyses upon which the CDE bases this recommendation are contained in attachments 1-3.

## Summary of Previous State Board of Education Discussion and Action

SBE has considered 46 transfers of territory (that did *not* lead to unification or the creation of new district) statewide since 2000. There were 15 territory transfer appeals in the last 10 years. In four of these, the SBE took action to *allow the territory transfer to proceed.*

* **Los Angeles County, Sep 2020.** Transfer *406 parcels* primarily located in the unincorporated community of Del Aire from the Lawndale Elementary School District (ESD) and the Centinela Valley Union High School District (UHSD) to the Wiseburn Unified School District (USD).
* **San Mateo County, Mar 2015.** Transfer of two homes of *70 parcels* from South San Francisco USD to San Bruno ESD/San Mateo UHSD.
* **San Mateo County, Sep 2018.** Transfer of 10 homes and a number of undevelopable parcels form to La Honda-Pescadero Unified School District to the Portola Valley Elementary School District and the Sequoia Union High School District.
* **Santa Clara County, May 2016.** Transfer of two homes of a 45-parcel development from the Campbell U(E)SD/Campbell UHSD to Santa Clara USD, (joining the other 43 parcels).

The SBE has denied transfer petitions in over two-thirds of the cases presented to it in the last decade. However, the SBE has been careful to examine each of these petitions individually, rather than relying on general precedent. CDE finds that Sep 2020 appeal bears the greatest resemblance to the current petition. 1) It involves several hundred parcels. 2) All the 9 conditions are substantially met. 3) While there are no compelling reasons to transfer the Sagebrush territory, 4) there are also no compelling local educational reasons to justify overturning the County Committee decision to approve the petition.

## Fiscal Analysis

The SBE has two options regarding the appeal to the Los Angeles County Committee’s approval of the proposal to transfer the Sagebrush territory from Glendale USD to La Cañada USD. It may either:

a. Approve the appeal, thereby reversing the County Committee’s approval of the transfer.

b. Deny the appeal, thereby affirming the County Committee’s approval of the transfer

### Approval costs

Approving the appeal, thereby reversing the action of the County Committee results in no fiscal effects on any local or state agency.

### Denial costs

Denying the appeal, thereby affirming the County Committee’s action would result in an election. Costs for this election would depend upon the timing of the election, the type of election, and the size of the election area established by the SBE—election costs would be borne by the county.

In addition, the parties are engaged in litigation regarding the (California Environmental Quality Act) CEQA review that was conducted for this territory transfer. The initial CEQA review resulted in a Mitigated Negative Declaration. The Glendale USD filed a lawsuit on October 31, 2019, in Los Angeles Superior Court. The lawsuit contends that the County Committee committed violations of CEQA, including failing to properly analyze the project’s potential to create significant environmental impacts. The court has decided to delay hearing the case until after the SBE has ruled on the appeal, noting that SBE action to affirm the appeal would render the lawsuit moot. Should the appeal be denied, allowing the transfer to proceed, there would be additional, unknown legal costs associated with this litigation.

## Attachments

**Attachment 1**: Report of Required Conditions for Reorganization (22 pages)  
  
**Attachment 2:** School Facilities Analysis for Sagebrush Territory Transfer (8 pages)

**Attachment 3**: Fiscal Analysis of the Sagebrush Territory Transfer (14 pages)

**Attachment 4**: Report to the Los Angeles County Committee on School District Organization Concerning the Proposed Transfer of Certain Territory From the Glendale Unified School District to the La Cañada Unified School District. (34 pages)

**Attachment 5**: Glendale USD appeal letter dated October 31, 2019 (11 pages)

# Attachment 1 Report of Required Conditions for Reorganization

**Proposed Transfer of Territory from the Glendale Unified School District to the La Cañada Unified School District**

## Recommendation

The California Department of Education (CDE) recommends the California State Board of Education (SBE) deny this appeal, thereby affirming the decision of the Los Angeles County Committee on School District Organization (County Committee) to approve a Petition for Transfer of Territory from the Glendale Unified School District (Glendale USD) to the La Cañada School Unified District (La Cañada USD), subsequently referred to as “the Petition.”

## Background

2.1 Structure of Glendale and La Cañada Unified School Districts

Glendale Unified School District was formed in 1936 and its governing board is elected by trustee area. The district serves the city of Glendale, portions of La Cañada Flintridge and other unincorporated communities. It has ten preschools, twenty elementary schools, four middle schools and four high schools serving approximately 24,000 students it is the third largest district in Los Angeles County. By comparison, La Cañada Flintridge USD is a much smaller district. Initially formed as an elementary school district in 1885, and unified in 1961, with a governing board elected at large, it serves approximately 4,000 students with three elementary schools and one combined middle slash high school serving grades seven through twelve. See Table 2.1 below.

2.2 Student Characteristics

In terms of racial / ethnic distribution, white students constitute the largest percentage of enrollment in both districts, but the composition of the other racial groups differ. For example, Glendale has 20% Hispanic or Latino students compared to just under 12% in La Cañada, while La Cañada has 30% Asian students compared to Glendale’s 11.1%. The differences in the other ethnic categories are not significant. See Table 2.2 below.

The percentage of foster youth and students with disabilities is consistent between the districts. It is notable that 2.3% of La Cañada USD students are classified as English Language Learners (EL), while the number of EL students in Glendale USD is ten times higher. Similarly, Glendale USD reports 42.1% of Glendale USD students are socioeconomically disadvantaged while this same category of students is just 5.3% of La Cañada’s enrollment. See Table 2.3 below.

Table 2.1 Structure of Glendale and La Cañada Unified School Districts

| District, Year Formed | Board Elected | Areas served | Pre-schools | Elem. Schools | Middle School | High Schools |
| --- | --- | --- | --- | --- | --- | --- |
| Glendale USD, 1936 | By Trustee Area | City of Glendale, a portion of La Cañada Flintridge, and unincorporated communities of Montrose and La Crescenta. | 10 | 20 | 4 | 4 |
| La Cañada USD, 1885 | At-Large | Incorporated portions of La Cañada Flintridge | 0 | 3 | 1\* | 1\* |

\* La Canada Junior and Senior High Schools are a combined campus.

Table 2.2 Enrollment of Glendale USD and La Cañada USD by ethnicity / race

| District | White | Hispanic or Latino | Asian | Black or African American | Am. Indian, Pacific Islander and Filipino | Two or more races |
| --- | --- | --- | --- | --- | --- | --- |
| Glendale USD | 59.3% | 20.1% | 11.1% | 1.1% | 4.6% | 3.8% |
| La Cañada USD | 43.4% | 11.9% | 30.6% | 0.7% | 2.0% | 10.8% |

\* *Data is from CALPADS 2021-22 Enrollment data*

Table 2.3 Unduplicated Count of Glendale and La Cañada Unified School Districts

| District | English Language Learners | Socio-economically disadvantaged | Foster Youth | Students with Disabilities |
| --- | --- | --- | --- | --- |
| Glendale USD | 20.4% | 42.1% | 0.2% | 9.0% |
| La Cañada USD | 2.3% | 5.3% | 0.01% | 8.5% |

\* *Data is from CALPADS 2021-22 Enrollment data*

### Initiation of the Proposal

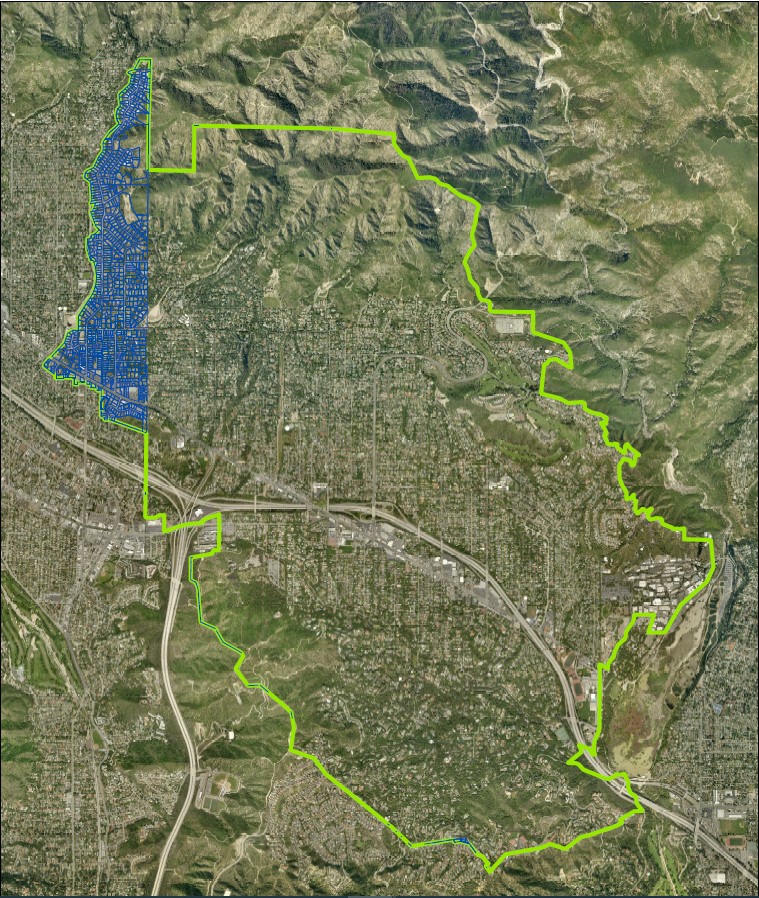
Residents of the territory proposed for transfer (known as the “Sagebrush territory”) submitted the signatures of at least 25 percent of the registered voters in the community to transfer the territory from Glendale USD to La Cañada USD to the County Committee on November 23, 2015. Public hearings were held in La Cañada USD on October 26, 2016, and Glendale USD on November 2, 2016. La Cañada USD supported the Petition, while Glendale USD opposed the Petition. A resolution re-affirming the support of the La Cañada USD was approved on January 17, 2023 and verbally reaffirmed at a joint city/school district meeting on December 5, 2023.

### County Superintendent Review of the Petition

The County Superintendent determined the sufficiency of the petition as required by and pursuant to the authority granted under *EC* Section 35704, including identification of the territory to be transferred. This territory is located within the boundaries of Glendale USD and falls within the municipal boundaries of the city of La Cañada Flintridge. Averaging two miles long and 2,061 feet wide, the Sagebrush territory is approximately 386 acres and contains approximately 879 parcels. The Territory is generally bounded on the south by Foothill Boulevard, on the west and north by the Pickens Canyon Wash, and on the east by Rosebank Drive. (See Figure 1 below) At the time of the petition’s submission, approximately 360 students resided in the petition area and attended Glendale USD schools. That number has subsequently declined, which will be addressed at greater length in Attachment 2.

County Committee staff recommended that the County Committee deny the petition. The County Committee staff report specifically found that the Petition met Conditions 1, 4, 6, and 8, while not substantially meeting Conditions 2, 3, 5, 7, and 9. Because the Petition failed to substantially meet all nine conditions, County Committee staff recommended that the County Committee deny the petition. At an initial hearing on May 3, 2017, the County Committee held a series of votes on each of the 9 conditions. They found that all conditions except for Condition 7 were substantially met. After discussing whether or not the County Committee had the ability to approve the Petition if not all conditions were substantially met, an initial motion to approve the petition was withdrawn. The committee staff report was updated in 2019 with updated figures regarding the cost of portable classrooms and appendices submitted by the parties to the transfer petition. Despite staff still finding conditions not met, on October 2, 2019, the County Committee indicated that the previous votes had been initial and advisory in nature, and found, on a vote of 6-3, that all 9 conditions were substantially met and approved the petition to transfer the territory.

#### Figure 1. City of La Cañada Flintridge and Transfer Territory



Source: La Cañada Flintridge Community Development Department

## Reasons for the Transfer

The Petition states the following reasons for a proposed transfer of the territory:

* To nurture and promote student achievement: La Cañada USD has intentionally forged deep partnerships with the City of La Cañada Flintridge, the local business community, its school families, and non-school families including seniors. The result of this long­term community outreach is a deeply vested civic interest in its children focused on student achievement. This "community of trust" has created a sense of family, inspired an immense amount of pride in its expansive civic and educational experience and engendered a passionate following in ways most communities rarely see. Sociologists refer to this phenomenon as "community and social capital", which has been shown by researchers to produce positive results for student achievement and helps children to excel in school. This environment and culture in which the "village", as well as the family, takes ownership of its children has resulted in unique dedicated resources, educational programs, partnerships, internships, and scholarships, which unfortunately are not currently available to all La Cañada Flintridge residents. Also, compared to Glendale USD, La Cañada USD offers students:
* Smaller middle and senior high school campuses;
* Lower class sizes;
* No split classes; and
* Significantly more counselors per student.
* To eliminate educational disparity and inequality: Territory residents, a 10 percent minority of La Cañada Flintridge families, are consigned to a neighboring school district due to an 1880s survey that ignored prominent well-defined natural land features. This arbitrary invisible boundary had little relevance until the mid-1950s when ample water supply was attained and housing development followed. Since the formation of La Cañada USD in 1961, Sagebrush territory residents have fought for equal rights, duties and privileges enjoyed by the 90 percent majority of La Cañadans.
* To upgrade school and public safety: Local law enforcement, emergency and operational planning would be simplified, unified, streamlined and better coordinated between the City of La Cañada Flintridge and La Cañada USD by removing a layer of bureaucracy. This is especially true since the Territory is located fully within the boundaries of the City of La Cañada Flintridge and within the administrative "sphere of influence" [as determined by the Local Agency Formation Commission for the County of Los Angeles] of the City of La Cañada Flintridge.
* To strengthen local control, civic participation, and self-governance: Territory residents would join the 90% of our fellow La Cañada Flintridge residents as fully participating members of our hometown La Cañada USD schools including all related opportunities and privileges that are currently denied. Most notable of these is the ability to fully and directly participate in the governance of La Cañada USD schools, which is so integral to the greater La Cañada Flintridge community.
* To improve local government responsiveness, efficiency and transparency: Uniting all La Cañada Flintridge residents with our hometown school district would enhance communication, coordination and procedures between the City of La Cañada Flintridge and La Cañada USD, thereby increasing public involvement and active participation in local government decision-making for all La Cañada Flintridge residents.
* To respect and honor the voice of La Cañada Flintridge residents. La Cañada Flintridge residents have demonstrated overwhelming support to unify the city with its local school district for decades:
  + In May 2014, 90% of Sagebrush territory respondents to a Glendale USD-sponsored survey said they definitely (85%) or probably (5%) supported the transfer proposal being discussed by the two school districts;
  + In the same survey, Sagebrush territory residents supported a territory transfer over open enrollment by a margin of five to one, confirming their feelings of being marginalized and disenfranchised by Glendale USD;
  + In April 1997, 84% of Sagebrush territory respondents to a survey commissioned by the City of La Cañada Flintridge supported making the Territory part of La Cañada USD
  + In November 2013, the City Council of La Cañada Flintridge unanimously approved a resolution "to petition ... that the Los Angeles County Committee on School District Organization commence the process" to transfer the Sagebrush territory into La Cañada USD jurisdictional boundaries; and
  + In January 2014, La Cañada USD unanimously reaffirmed its support of the Sagebrush territory transfer following the election of three new board members.

## Position of Glendale USD

At its regular meeting on November 1, 2016, the Glendale USD Governing Board adopted Resolution No. 15 opposing the petition to transfer territory from the Glendale USD to the La Cañada USD. At the public hearings held by the County Committee, then-Glendale USD Superintendent Winfred Roberson expressed the Governing Board's opposition to the proposed transfer.

* 1. **Position of La Cañada USD**

At its regular meeting on October 24, 2016, the La Cañada USD Governing Board adopted Resolution No. 5-16-17 supporting the petition to transfer territory from the Glendale USD to the La Cañada USD. This Resolution has been re-affirmed by the board on multiple occasions since, most recently at a joint meeting the of the La Cañada USD Board of Trustees and the La Cañada Flintridge City Council on December 5, 2023. At the public hearings held by the County Committee, La Cañada USD Superintendent Wendy Sinnette expressed the Governing Board's support for the proposed transfer.

## *EC* Section 35753 Conditions

The SBE may approve a proposal for the reorganization of school districts if it has determined that the proposal substantially meets the nine minimum threshold conditions in *EC* Section 35753. These conditions are further clarified by *California Code of Regulations,* Title 5 (5 *CCR*) Section 18573.

The SBE also may approve proposals if it finds that all *EC* Section 35753 conditions are not substantially met, but subsequently “determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval …” (*EC* 35753[b])

For its analysis of the proposal, the CDE conducted its own studies of the issues presented by the *EC* Section 35753 conditions; and reviewed information provided by the County Superintendent, the districts, and the chief petitioners. Staff findings and conclusions regarding the *EC* Section 35753 and 5 *CCR* Section 18573 requirements follow.

### The reorganized districts will be adequate in terms of number of pupils enrolled.

#### Standard of Review

It is the intent of the SBE that direct service districts not be created that will become more dependent upon county offices of education and state support unless unusual circumstances exist. Therefore, each district affected must be adequate in terms of numbers of pupils, in that each such district should have the following projected enrollment on the date any new district becomes effective for all purposes: elementary district, 901; high school district, 301; unified district, 1,501 (5 *CCR* 18573[a][1][A]).

#### County Committee Review and Evaluation

In the County Committee’s staff analysis (Attachment 4), the 2015–16 enrollment of La Cañada and Glendale were calculated to be 4,093 and 26,117, respectively. These enrollment totals far exceeded the minimum threshold value of 1,501 pupils for a unified school district. The number of students residing in the Sagebrush territory at the time was 387, insufficient to lower Glendale below the minimum threshold. Based on this information, staff determined that this criterion was substantially met.

The County Committee did not vote on each condition individually, but instead voted (6-3) that all conditions were substantially met.

#### CDE Findings/Conclusion

CDE staff also reviewed historical enrollment for the Glendale and La Cañada USDs. Since the Petition was reviewed by county staff over 4 years ago, staff also looked at the trends in both districts since 2015-16.

#### Table 1. Enrollment Change By District

|  |  |  |
| --- | --- | --- |
| Category | Glendale USD | La Cañada USD |
| 2015**–**16 Enrollment | 26,117 | 4,093 |
| 2021**–**22 Enrollment | 24,213 | 3,921 |
| Enrollment Change | -7.2% | -4.2% |

**Source data: CALPADS, 2015–16 and 2021–22**

Though both districts have experienced, and are expected to continue to experience, declining enrollment, they will retain total enrollment well in excess of the minimum required under this criterion for the foreseeable future. Therefore, CDE finds this condition substantially met.

### The districts are each organized on the basis of a substantial community identity.

#### Standard of Review

The following criteria from Title 5 *CCR* Section 18573(a)(2) should be considered to determine whether a new district is organized on the basis of substantial community identity: isolation; geography; distance between social centers; distance between school centers; topography; weather; community, school and social ties; and other circumstances peculiar to the area.

#### County Committee Review and Evaluation

The staff report concluded that this “community identity” condition was not substantially met, noting that, “Residents of the petition area, like all residents of Los Angeles County, likely share a strong community identity with their locality in general (including the cities of La Cañada and neighboring City of Glendale and other surrounding areas), as well as with whatever school district their children are enrolled in, because that is where they live near. Because the petition area neighborhood borders a number of districts and cities, community identity becomes an amalgam rather than a specific, definable sentiment or status. It is reasonable to like or feel a part of any broader locality when one lives in or near any border. It is clear that the petitioners and their supporters feel otherwise, to the point of claiming La Cañada USD as their true district, but their impressions are not determinative here. While boundary areas in any city or district will always have some elements in common with the areas they border, community identity must consider the city and the school district independent entities.

The chief petitioners and the residents living within the petition area do not evidence greater community identity with the La Cañada USD than they do with the Glendale USD. Proximity to school sites does not, in and of itself, establish community identity. Exclusion from local clubs or events in their own city cannot be remedied by another entity such as a school district.”

#### The County Committee did not vote on each condition individually, but instead voted (6-3) that all conditions were substantially met.

#### CDE Findings/Conclusion

CDE staff reviewed the substantial testimony from the petitioners in support of their contention that they feel a greater sense of identity with the City of La Cañada Flintridge, and therefore La Cañada USD, as well as the arguments in opposition to this contention. However, these arguments tend to focus on the community identity of residents of the Sagebrush territory, which is not the subject of Condition 2. Condition 2 focuses exclusively on the effects on the community identities of the school districts, not the territory being transferred. It seems unlikely that a loss of less than one percent of its students would substantially affect the community identity of Glendale USD. While the potential impact would be larger on the receiving district, the number of inter-district transfers approved each year show no obvious negative effect on the community identity of La Cañada USD. While the number of transfer students has fluctuated over time, it has gradually increased, with over 250 students from the transfer area attended La Cañada USD in the 2022-23 school year. Further, the argument put forward by County Committee staff in objection to the transfer under this criterion, that residents of the petition area have a strong community identity with their locality in general, rather than a particular set of city boundaries, argues in favor of a minimal impact to La Cañada USD’s community identity as well. Finally, both the City of La Cañada Flintridge, and the La Cañada USD have adopted multiple resolutions in support of this transfer, most recently reaffirming their support on December 5, 2023. This strongly indicates agreement by the larger La Cañada Flintridge community with the sense of shared community identity claimed by residents of the territory.

Staff were unable to identify any substantial differences between the two districts with respect to the criteria listed in Title 5 *CCR* Section 18573(a)(2).

The CDE concludes that this condition is substantially met.

### The Petition will result in an equitable division of property and facilities of the original district or districts.

#### Standard of Review

To determine whether an equitable division of property and facilities will occur, the CDE reviews the Petition for compliance with *EC* sections 35560 and 35564 and determines which of the criteria authorized in *EC* Section 35736 shall be applied. The CDE also ascertains that the affected districts and County Superintendent are prepared to appoint the committee described in *EC* Section 35565 to settle disputes arising from such division of property (5 *CCR* 18573[a][3]).

#### County Committee Review and Evaluation

The County Committee reviewed the effect of the transfer on both districts’ bonded indebtedness capacity and school facilities. Because no Glendale USD school facilities are located within the transfer area and fewer than 400 students resided in the Sagebrush territory at the time, many of whom already attended La Cañada USD schools, staff concluded that a division of property, funds or obligations (except bonded indebtedness) of the school districts would not be required should this transfer be approved.

The County Committee did not vote on each condition individually, but instead voted (6-3) that all conditions were substantially met.

#### CDE Findings/Conclusion

The CDE concurs that no transfer of facilities would be required pursuant to this transfer. Further, given that a majority of the students in the territory are already attending La Cañada schools and CDE staff believe existing facilities are sufficient to accommodate the remaining territory students, the facility impacts should be minimal. This condition and the resultant facilities questions are explored more fully in Attachment 2.

Since no facilities are being transferred, the CDE determines that this condition is substantially met.

### 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.

#### Standard of Review

In 5 *CCR* Section 18573(a)(4), the SBE set forth five factors to be considered in determining whether reorganization will promote racial or ethnic discrimination or segregation:

(a) The current number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts, compared with the number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts if the proposal or petition were approved.

(b) The trends and rates of present and possible future growth or change in the total population in the districts affected, in each racial and ethnic group within the total district, and in each school of the affected districts.

(c) The school board policies regarding methods of preventing racial and ethnic segregation in the affected districts and the effect of the proposal or petition on any desegregation plan or program of the affected districts, whether voluntary or court ordered, designed to prevent or alleviate racial or ethnic discrimination or segregation.

(d) The effect of factors such as distance between schools and attendance centers, terrain, geographic features that may involve safety hazards to pupils, capacity of schools, and related conditions or circumstances that may have an effect on the feasibility of integration of the affected schools.

(e) The effect of the proposal on the duty of the governing board of each of the affected districts to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of its cause.

#### County Committee Review and Evaluation

After reviewing the demographic data submitted by both districts, County Committee staff concluded: “The potential shift of the students from the petition area within the Glendale USD to the La Cañada USD would not have a discernable impact on the ethnic or racial distribution of either district. Because there are so few students, and the districts have similar ethnic/racial makeups, percentage distribution across ethnic categories would remain very similar for both if the territory is approved. Further, many of the students residing in the petition area already enroll in La Cañada USD schools. If the petition is approved, those students in the petition area who currently enroll in Glendale USD schools could choose to continue those enrollments via permit. It is concluded that the proposed petition, if approved, would not promote racial or ethnic discrimination in any of the impacted school districts. Therefore, it is recommended that the County Committee deem this condition substantially met.”

#### The County Committee did not vote on each condition individually, but instead voted (6-3) that all conditions were substantially met.

#### CDE Findings/Conclusion

The CDE conducted its own analysis in accordance with 5 CCR Section 18573(a)(4) and the *Handbook for Conducting Racial and Ethnic Studies in School Districts*. The Handbook defines an integrated educational experience as, “the process of education in a racially and ethnically diverse school that has as its goal equal opportunities for participation and achievement among all racial and ethnic groups in the academic program and other activities of the school, together with the development of attitudes, behavior, and friendship based on the recognition of dignity and value in differences as well as similarities.” The handbook also requires districtwide percentages to be given primary consideration in a district with relatively few schools, such as La Cañada. The Glendale USD is currently 40.7 percent minority students. The La Cañada USD is 56.6 percent minority students. The schools closest to the transferred territory, and therefore most likely to be affected, have similar demographic profiles to their districts. While the exact racial demographics of the Sagebrush territory are unknown, the small number of students involved make it unlikely that the racial and ethnic composition of the affected districts would be substantially unchanged by the territory transfer and would preserve each affected district’s ability to educate students in an integrated environment.

The CDE finds the petition substantially meets this condition.

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

#### Standard of Review

*EC* sections 35735 through 35735.10 mandate a method of computing Local Control Funding Formula (LCFF) entitlements without regard to this condition. Although LCFF entitlements are considered in this section, only potential costs to the state other than those mandated by *EC* sections 35735 through 35735.10 are used to analyze the proposal for compliance with this condition.

#### County Committee Review and Evaluation

County Committee staff concluded that, despite the relatively small number of students involved, their transfer would cost Glendale USD a substantial amount of funding over time. They also concluded that La Cañada’s lack of sufficient classroom capacity for the transferred students would result in an increase in building costs, which may result in increased construction funding costs to the state. Committee staff recommended that the County Committee deem this condition to be not substantially met.

#### The County Committee did not vote on each condition individually, but instead voted (6-3) that all conditions were substantially met.

#### CDE Findings/Conclusion

The LCFF is the primary source of a school district’s general-purpose funding. The CDE prepared a hypothetical LCFF funding estimate for the two districts to determine the anticipated impact of the Petition on state costs and found no increased state costs (see attachment 3) due to changes in the LCFF funding. Significant changes to both the number of transfer students and the capacity of La Cañada USD have occurred since the County Committee examined this issue in 2019, and CDE believes that there is no longer a capacity issue. Additionally, state funding for construction of new facilities or upgrades to existing facilities is not automatic and is entirely speculative.

The CDE finds that the Petition substantially meets this condition.

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

#### Standard of Review

The proposal or petition shall not have a significantly adverse effect on the educational programs of districts affected by the proposal or petition, and the CDE shall describe the district-wide programs, and the school site programs, in schools not a part of the proposal or petition that will be adversely affected by the proposal or petition. (5 *CCR* Section 18573[a][5])

#### County Committee Review and Evaluation

The examination of the petition conducted by County Committee staff included a review of academic performance indicators on the California School Dashboard, Smarter Balanced Assessment results, and programs offered by schools in both districts. Testimony was heard from the petitioners expressing concerns over class sizes and programs at Mountain Avenue Elementary. Despite these concerns, County Committee staff concluded that, “Staff did not find any legitimate assessment that spoke to academic insufficiency in any of the schools in Glendale USD nor in La Cañada USD.” They also noted that the transfer of this territory would not require either district to modify or eliminate any existing educational programs.

#### The County Committee did not vote on each condition individually, but instead voted (6-3) that all conditions were substantially met.

#### CDE Findings/Conclusion

CDE staff also examined the education programs and academic performance of the schools in both districts in accordance with 5 *CCR* Section 18573(a)(5). Staff agree with the county assessment regarding the quality of educational programs in both districts. They consist of broad, high-quality offerings that significantly outperform the statewide average. Both districts represent educational success stories. However, the standard as dictated by statute is not concerned with the overall quality of the educational offerings provided by the districts, or with a direct comparison between them. Rather, the standard focuses on whether or not there is a potential for disrupting those educational programs and academic performance. CDE staff found no indication that educational programs in either district would be forced to alter their offerings or end existing programs.

The CDE finds that the Petition substantially meets this condition.

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

#### Standard of Review

The SBE has not adopted regulations regarding this condition. However, an adequate analysis of the condition should include a determination of: (1) the availability of facilities to house all students at all grade levels in the reorganized area, (2) sources of funding for new construction, (3) effect on facilities and housing capacity of all affected districts, and (4) impact on bonding capacity of affected districts.

#### County Committee Review and Evaluation

During the County Committee’s examination of this petition, the La Cañada USD staff informed the county committee during two public hearings regarding this petition that it could not currently house all of the petition area students should the petition be approved. The district stated that it supported the petition and proposed a phase-in period for the transfer. Such a phase-in is not permitted under existing law. Thus, staff concluded based on the La Cañada USD's own testimony that there would be increased facilities costs associated with this proposal.  
  
The County Committee did not vote on each condition individually, but instead voted (6-3) that all conditions were substantially met.

#### CDE Findings/Conclusion

The CDE analysis of this condition is in Attachment 2. The CDE found, consistent with the findings of County Committee staff, that there were insufficient facilities to house all existing transfer area students at the time of the County Committee Hearings. However, as noted in Attachment 2, the gap has diminished since the petition was initially filed, due in part to declining enrollment, as well as the efforts of the La Cañada USD to upgrade and expand the Palm Crest Elementary School campus. The La Cañada USD has now demonstrated capacity to accommodate the transfer area students. To the extent that any new capacity concerns arise in the future, the district’s efforts to mitigate overcrowding thus far have demonstrated their willingness to resolve them. Further, the potential concerns are so minimal that CDE staff feel the final decision should be left to the local community to address electorally.

The CDE concludes that this condition is substantially met.

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

#### Standard of Review

The SBE has not adopted regulations regarding this condition. The rationale for the reorganization should be analyzed and, if it is determined to be questionable or not compelling, there should be a consideration of increased property values as the primary reason for the reorganization.

#### County Committee Review and Evaluation

Nothing in the rationale of the petitioners indicates that a desire to increase property values played a significant role in the petition. In its examination of this issue, County Committee staff noted an article in the Wall Street Journal detailing the lengths families would go to in order to locate their children in the La Cañada USD attendance area. Further, in examining real estate prices of comparable properties within and outside of the La Cañada USD boundaries, staff did apparently identify a small, but significant difference in property values. However, County Committee staff also noted that a potential increase in property values is not a disqualifying factor. Only if the petition is primarily intended for increasing property values can this condition be found not met. The report concluded that there was no evidence that this was the case.

The County Committee did not vote on each condition individually, but instead voted (6-3) that all conditions were substantially met.

#### CDE Findings/Conclusion

CDE staff also did not see evidence within the language of the petition that increased property values were a primary factor in motivating this transfer. Further, the fact that this territory has seen multiple transfer attempts over a period of decades, and that former residents of the territory have remained active in the petition process even after moving out of the territory indicate motivations far stronger and more lasting than real estate price fluctuations. Finally, the number of interdistrict transfers each year, which have no effect on property values, indicates that there is a sizeable population within the territory who truly see La Cañada USD as the preferred alternative for their students. Without concrete evidence to the contrary, CDE staff find no justification for questioning the stated motives of the petitioners.

The CDE concludes that this condition is substantially met.

### 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.

#### Standard of Review

The SBE has not adopted regulations regarding this condition. The standards and criteria adopted by the SBE pursuant to *EC* Section 33127, and published in 5 *CCR* sections 15440 through 15466, are recommended for evaluation of the financial conditions of the affected districts.

#### County Committee Review and Evaluation

The County Committee staff analysis noted that Glendale USD would lose the students in the transfer area permanently, with a corresponding decrease in LCFF funding. The loss of the residences in the territory would also affect their bonding capacity, and with it their ability to raise funding in the future. They further noted that La Cañada has committed to housing the students if transferred, which would necessitate additional facilities funding of an unspecified amount. That amount would vary based on the solution the district chooses (portables versus expansion of existing space vs new building construction). The County Committee staff analysis also points out that the two districts, utilizing Capital Advisors as a third-party, spent years trying to agree on financial terms that were amenable to both parties, but were unable to do so. This indicates that the transfer has the potential to negatively impact both districts financially.

The County Committee did not vote on each condition individually, but instead voted (6-3) that all conditions were substantially met.

#### CDE Findings/Conclusion

The CDE analysis of this condition is in Attachment 3. A summary of this analysis is presented here. According to the CDE estimates, the affected ADA would result in a revenue loss to Glendale USD of approximately $2 million for each year examined and a $2 million gain for La Cañada USD for each of the same years. It is reasonable to expect that the transfer of approximately 200 students (using current year estimates of student numbers) from Glendale USD to La Cañada USD will result in a reduction of expenditures for Glendale USD and an increase in expenditures for La Cañada USD due to changes staffing needs and other expenditures for the districts. However, the extent of the impact to the districts’ expenditures is unknown, therefore the expenditures in the CDE funding estimates have not been adjusted to account for these anticipated changes.

Both districts anticipate they will be deficit spending in 2022–23 and beyond, because of overall projected declines in enrollment and associated loss of LCFF funding. The reductions needed to address the deficit spending would be exacerbated by the territory transfer; however, the extent of that impact does not appear significant. CDE finds that the changes that would result from the proposed reorganization would not have a substantial negative effect on the fiscal management or fiscal status of the either affected district, noting that with or without the reorganization, both school district governing boards will need to take steps to address their deficit spending.

The CDE concludes that this condition is substantially met.

## Reasons Provided for the Appeal

### 6.1 Loss of Minority Students

In its letter of appeal (Attachment 5), Glendale USD claims that they will lose a substantial number of their minority students at Mountain Avenue ES. At the time of the appeal, they indicated an overall reduction of approximately 26% of minority students at Mountain Avenue ES and argued that this dramatic loss of minority students would have a negative impact on the integrated educational experience provided by the school.

However, CDE staff notes that the same analysis indicated a corresponding loss of approximately 25% of Mountain Avenue’s white students. Thus, while the number of minority students is reduced, the overall ratio of student groups would remain roughly consistent.

### 6.2 More Robust Board Policies

Glendale USD argues that its board policies regarding racial discrimination and ethnic segregation are more robust than La Cañada USD’s. According to the appeal, one method of preventing racial and ethnic segregation in schools is by providing English learners with English Language Development instruction targeted to each student’s unique English proficiency and appropriate academic level. Glendale USD’s offerings include structured English immersion, English language academic mainstream program, and the alternative dual immersion program. Nine of the twenty-one elementary schools in Glendale USD provide a structured dual language program to Glendale USD students. The appeal notes that La Cañada USD does not offer a dual language program to any of its students.

While this is true, as the appeal itself acknowledges, dual language programs are only one option for targeting English learners. On the 2021-22 California School Dashboard, 52 percent of Glendale USD English learners are making progress toward English proficiency, while in 2022-23, this number was 60.3 percent. The respective numbers were 78.9 percent for 2021-22 and 53.1 percent in 2022-23 in La Cañada. While this may appear to mark a significant decline for English learners in La Cañada USD, the overall number of students classified as English learners (64) is small enough that significant year-to-year variation is to be expected. Both districts exceed the statewide average. Meanwhile, La Cañada USD English learners score in the “green” category in both English Language Arts and Mathematics on the state’s Smarter Balanced Summative Assessment or the California Alternate Assessment (taken annually by students in grades 3–8 and grade 11), whereas Glendale USD’s English learners scored in the “orange” category in both English Language Arts and Mathematics. Therefore, it is not evident to CDE that La Cañada USD’s English learners are less well served educationally.

### 6.3 Negative Impact on English Learners

As noted in 6.2, Glendale USD’s appeal cites: 1) the lack of dual language programs for English learners, and 2) a school environment lacking academic and instructional support that has been targeted to each student’s unique English proficiency and is designed to ensure that those students are provided an equal and meaningful education.   
  
As noted above, on the 2022-23 California School Dashboard, English learners at Glendale USD rank in the “orange” category on both English and Math. At La Cañada, English learners rank in the “green” category in both areas.

### 6.4 La Cañada USD Does Not Promote Diversity to the Extent of Glendale USD

Glendale USD’s appeal cites a 2012 U.S. Department of Education study which identified both districts as among the 30 highest performing K-12 districts in California. The study also indicated that a focus on English learners has been a priority for Glendale USD, with 30 percent of students classified as English Language Learners, compared to only 5 percent at La Cañada USD. Of the La Cañada USD students that were classified as English Learners in the report, only 19.9 percent were determined to be proficient in English in 2017-18, whereas the number was 31.3 percent of Glendale USD’s English learners. The appeal contends that this evidence demonstrates that Glendale USD surpasses La Cañada USD when it comes to promoting racial and ethnic equality.

### 6.5 Backfilling of Glendale USD’s Mountain Avenue ES

The petition indicates that, to the extent that Mountain Avenue ES loses a significant portion of its student body, those spaces can be filled by students transferred from other Glendale USD schools experiencing overcrowding. The appeal argues that this is speculative. To avoid overcrowding, the district “caps” grade levels within a school to ensure optimal classroom sizes. Under capping procedures, students are assigned to the nearest school having an opening. However, in the year prior to the appeal, only 2 students districtwide were reassigned to Mountain Avenue ES. The appeal notes this as evidence that backfilling from overcrowded schools is speculative at best.

## Compelling Reasons for Denying of Territory Transfer Appeal

Approval of any transfer proposal by the SBE is a discretionary action. Subdivision (b) of *EC* Section 35753 provides that the SBE “may approve a proposal for the reorganization of school districts if the state board determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval of the proposals.” Thus, the SBE may approve a proposal even if it determines one or more of the *EC* Section 35753 conditions are not substantially met, or deny a proposal even if it determines that all conditions are substantially met—if it finds a compelling reason to do so.

Petitioners have offered a number of reasons for seeking the transfer of the territory, listed in section 3.0 of this report. These reasons include:

1. the deep partnerships with the City of La Cañada Flintridge, the local business community, its school families, and non-school families;
2. perceived disparities between the treatment of their students and the treatment of other students residing in the same city;
3. and the overwhelming support for the transfer among residents. The petitioners have demonstrated a long-held and consistent desire to transfer this territory. They believe there would be substantial educational benefits.

SBE may consider any of the petitioners’ reasons, or reasons of its own, when determining if the proposal has merit. Conversely, the SBE may consider compelling reasons to disapprove the proposal, whether those of the appellants, described in section 6.0, or their own.   
  
The CDE finds no convincing academic need or concern to support or deny this appeal. However, the sense of support and community identity resulting from a transfer that has been identified by the petitioners promises substantial benefits for the transfer territory’s students. Thus, CDE staff find no compelling reasons to approve this appeal, but sufficient reasons to allow the Petition to move forward.

## 8.0 Amendments to the Territory Transfer Proposal: Area of Election

The SBE has authority to amend or add certain provisions to any petition for reorganization. Pursuant to *EC* Section 35756, the SBE is required to establish the election area if its action results in approval of a district reorganization. The following information details the CDE recommendation regarding this provision.

District opposition to a territory transfer approved by a County Committee is one of the factors that triggers a local election (see *EC* sections 35709 and 35710). The Glendale USD is on record opposing the territory transfer—thus, final approval of the transfer must be through approval at a local election.

The “default” election area in *EC* Section 35732 is the territory proposed for reorganization (i.e., the territory proposed for transfer). The SBE may expand the election area if it determines that conditions warrant such expansion.

### 8.1 Area of Election Principles

In establishing the area of election, the CDE and SBE follow the legal precedent set by the California Supreme Court in *Board of Supervisors of Sacramento County, et al. v. Local Agency Formation Commission* (1992) 3 Cal. 4th 903 (the *“LAFCO”* decision). *LAFCO* holds that elections may be confined to within the boundaries of the territory proposed for reorganization (the “default” area), provided there is a *rational basis* for doing so. *LAFCO* requires we examine: (1) the public policy reasons for holding a reorganization election within the boundaries specified; and (2) whether there is a genuine difference in the relevant interests of the groups that the election plan creates.

*1. A reduced voting area has a fair relationship to a legitimate public purpose*. State policy favors procedures that promote orderly school district reorganization statewidein a manner that allows for planned, orderly, community-based school systems that adequately address transportation, curriculum, faculty, and administration.

*2. Discussion of other judicial activity in this area is warranted*. In a case that preceded *LAFCO,* the California Supreme Court invalidated an SBE reorganization decision that approved an area of election that was limited to the newly unified district. As a result, electors in the entire high school district were entitled to vote (*Fullerton*). The *Fullerton* court applied strict scrutiny and required demonstration of a compelling state interest to justify the exclusion of those portions of the district from which the newly unified district would be formed.

#### 8.2 Recommended Area of Election

The *Fullerton* case does not require that the SBE conduct a different analysis than that described above. The *LAFCO* decision disapproved the *Fullerton* case, and held that absent “invidious discrimination[[2]](#footnote-2),” the rational basis approach to defining the election area applied. In this matter of the proposed transfer of territory from the Glendale USD to the La Cañada USD, the Glendale appeal contends that such racial impacts exist. However, CDE believes that no discrimination, segregation, or racial impacts are identified. Accordingly, the *LAFCO* standard and analysis applies.

The CDE finds no reason to believe that the proposed transfer would have a significant effect on the operations of either district as a whole. However, impacts would be more pronounced at the school site level, with losses in attendance at Mountain View ESD, and potential overcrowding at Palm Crest ESD. While attenuated, similar impacts would be felt at the middle school and high school levels. Therefore, the CDE recommends that the election area be the territory proposed for transfer, along with the attendance areas of Crescenta Valley High School and La Cañada High School, if the SBE acts to uphold the County Committee’s approval of the territory transfer proposal.

## State Board of Education Options and Recommendations

### SBE Options

At the present time, the SBE has two options regarding the appeal to the Los Angeles County Committee’s approval of the proposal to transfer the Sagebrush territory from Glendale USD to La Cañada USD. It may either:

(a) Approve the appeal, thereby reversing the County Committee’s approval of the transfer.

(b) Deny the appeal, thereby affirming the County Committee’s approval of the transfer. If the SBE denies this appeal, thereby sustaining the County Committee’s action approving the territory transfer, it must establish the election area for final voter approval of the proposal (*EC* Section 35756).

### Recommended Action

The CDE recommends the SBE deny this appeal, thereby affirming the decision of the County Committee to approve the Petition. If SBE denies the appeal, they must also choose an election area. CDE recommends an area encompassing the territory to be transferred, along with the attendance areas of Crescenta Valley High School and La Cañada High School.

1. Pursuant to *EC* sections 35709 and 35710, a county committee may approve a territory transfer only if it finds all conditions in *EC* Section 35753 are substantially met. [↑](#footnote-ref-1)
2. “Invidious discrimination is a legal term used to describe the act of treating a class of persons unequally in a manner that is malicious, hostile, or damaging. It refers to discrimination motivated by ill will towards a particular group. [↑](#footnote-ref-2)