

MARIN COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

Special Meeting

Sausalito Marin City School District Library

200 Phillips Drive

Marin City, CA 94965

Wednesday, December 14, 2022 at 6:00 pm

The meeting of the Marin County Committee on School District Organization (CCSDO) will be held on **Wednesday, December 14, 2022 beginning at 6:00 pm in the Sausalito Marin City School District Library (200 Phillips Drive, Marin City, CA 94965).**

A G E N D A

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| 1. Welcome/Call to Order | Ms. Butler |
| 2. Attendance/Introductions | Ms. Butler |
| a. Committee Members by Roll Call | Ms. Mares |
| 3. Consider Approval and Adoption of Agenda | Ms. Butler |
| 4. Consider Approval of Minutes, CCSDO Meeting of December 5, 2022 | Ms. Butler |
| 5. Open Public Hearing | Ms. Butler |
| a. Explanation of the Petition & Presentation of Facts | Ms. Mares |
| b. Guidelines for Public Hearing | Ms. Butler |
| c. Chief Petitioners | 15-Minutes |
| d. Sausalito Marin City School District Representatives | 15-Minutes |
| e. Mill Valley School District Representatives | 15-Minutes |
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<i>Each member of the public who wishes to address the committee will be limited to 2-minutes. Time may be shortened at the discretion of the chairperson.</i> | |
| f. Petition Proponents | 45-Minutes |
| g. Petition Opponents | 45-Minutes |
| h. Next Steps | Ms. Mares |
| 6. Close Public Hearing | Ms. Butler |
| 7. Adjournment | Ms. Butler |

Agenda Item 4:

Consider Approval of Minutes, CCSDO

Meeting of December 5, 2022

MARIN COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

Special Meeting December 5, 2022 | 6:00 p.m.

Meeting Minutes

The special meeting of the Marin County Committee on School District Organization (CCSDO) was held on Monday, December 5, 2022 beginning at 6:00 pm in the Mill Valley School District, Board Room (411 Sycamore Avenue, Mill Valley, CA 94941).

AGENDA ITEM 1: Call to Order

Chairperson Debbie Butler called the meeting to order at 6:00 pm.

AGENDA ITEM 2: Attendance/Introductions

Secretary Designee Terena Mares conducted Roll Call of Committee Members. Members present/absent:

Committee Member	Present (Y)/Absent (A)
Debbie Butler	Y
Karen Crockett	Y
Amos Klausner	Y
Derek Knell	Y
Robin Moses	Y
Stephanie O'Brien	Y
Kathy Ohm	Y
Elizabeth Robbins	Y
Richard Sloan	Y
Stuart Tanenberg	Y
Raoul Wertz	Y

A roll call vote indicated that a quorum was present.

Staff members present: Terena Mares, Secretary Designee of the Marin County Committee on School District Organization; Jon Lenz, Deputy Superintendent of the Marin County Office of Education; Alexis Oberlander, Assistant Project Leader for the Marin County Office of Education; Sergio Silva, Systems Specialist for the Marin County Office of Education; Jared Rippey, Support Technician for the Marin County Office of Education.

AGENDA ITEM 3: Consider Approval and Adoption of Agenda

Chairperson Butler called for a motion to approve the December 5, 2022 Agenda.

M/s/c O'Brien and Wertz; to approve the December 5, 2022 Agenda.

Motion carried:	Aye: 11	No:	Abstain:	Absent:
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AGENDA ITEM 4: Consider Approval of Minutes, CCSDO Meeting of
November 30, 2022

Chairperson Butler called for a motion to approve the November 30, 2022 Minutes of the Special Meeting.

M/s/c Tanenberg and Crockett; to approve the November 30, 2022 Meeting Minutes as submitted.

Motion carried:	Aye: 10	No:	Abstain: 1 (O'Brien)	Absent:
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AGENDA ITEM 5: Open Public Hearing

Chairperson Butler opened the public hearing at 6:02 p.m.

AGENDA ITEM 5a: Explanation of the Petition & Presentation of Facts

Secretary Designee Terena Mares introduced the Tennessee Glen territory transfer petition and outlined the petition facts.

AGENDA ITEM 5b: Guidelines for Public Hearing

Chairperson Butler outlined the guidelines for the public hearing.

AGENDA ITEM 5c: Chief Petitioners

Chief Petitioners Pam Keon addressed the County Committee. A copy of the presentation is attached to, and made a part of, the original minutes of this meeting.

AGENDA ITEM 5d: Mill Valley School District

Dr. Kimberly Berman, Superintendent from the Mill Valley School District, addressed the County Committee.

AGENDA ITEM 5e: Sausalito Marin City School District

Dr. Itoco Garcia, Superintendent from the Sausalito Marin City School District, addressed the County Committee.

AGENDA ITEM 5f: Petition Proponents

No proponents of the petition addressed the County Committee.

AGENDA ITEM 5g: Petition Opponents

No opponents of the petition addressed the County Committee.

AGENDA ITEM 5h: Next Steps

Secretary Designee Terena Mares outlined the next steps for the Tennessee Glen territory transfer petition.

The next public hearing will be on Wednesday, December 14, 2022 at 6:00 pm, Sausalito Marin City School District, Library (200 Phillips Drive, Marin City, CA 94965).

AGENDA ITEM 6: Close Public Hearing

Chairperson Butler closed the public hearing at 6:46 p.m.

AGENDA ITEM 7: Adjournment

Chairperson Butler called for a motion to adjourn the December 5, 2022 Meeting.

M/s/c O'Brien and Robbins; to approve the adjournment of the December 5, 2022 Meeting.

Motion carried:	Aye: 11	No:	Abstain:	Absent:
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Chairperson Butler adjourned the meeting at 6:47 pm.

DRAFT

Re-Establishment of District Territory for Tennessee Glen Community (TGC)

Community Boundaries



HISTORY

Tennessee Valley

- Southeastern Tamalpais Valley in unincorporated Mill Valley
- Historically, small dairy ranches.

Prior to 1951, no local Tamalpais Valley schools

- 200 Tamalpais Valley students bused to schools within Mill Valley City limits
- < 10 dairy farm students bused to Central School in downtown Sausalito. Two hours per day.

HISTORY

1948 - 1952

- Kay Park and Crest Marin (Birdland) Developments
- 1951 - Tamalpais Valley School opens, 350 Bell Lane
- School district boundaries realigned. All Tennessee Valley children attend Tam Valley School. School becomes their home and cultural center.

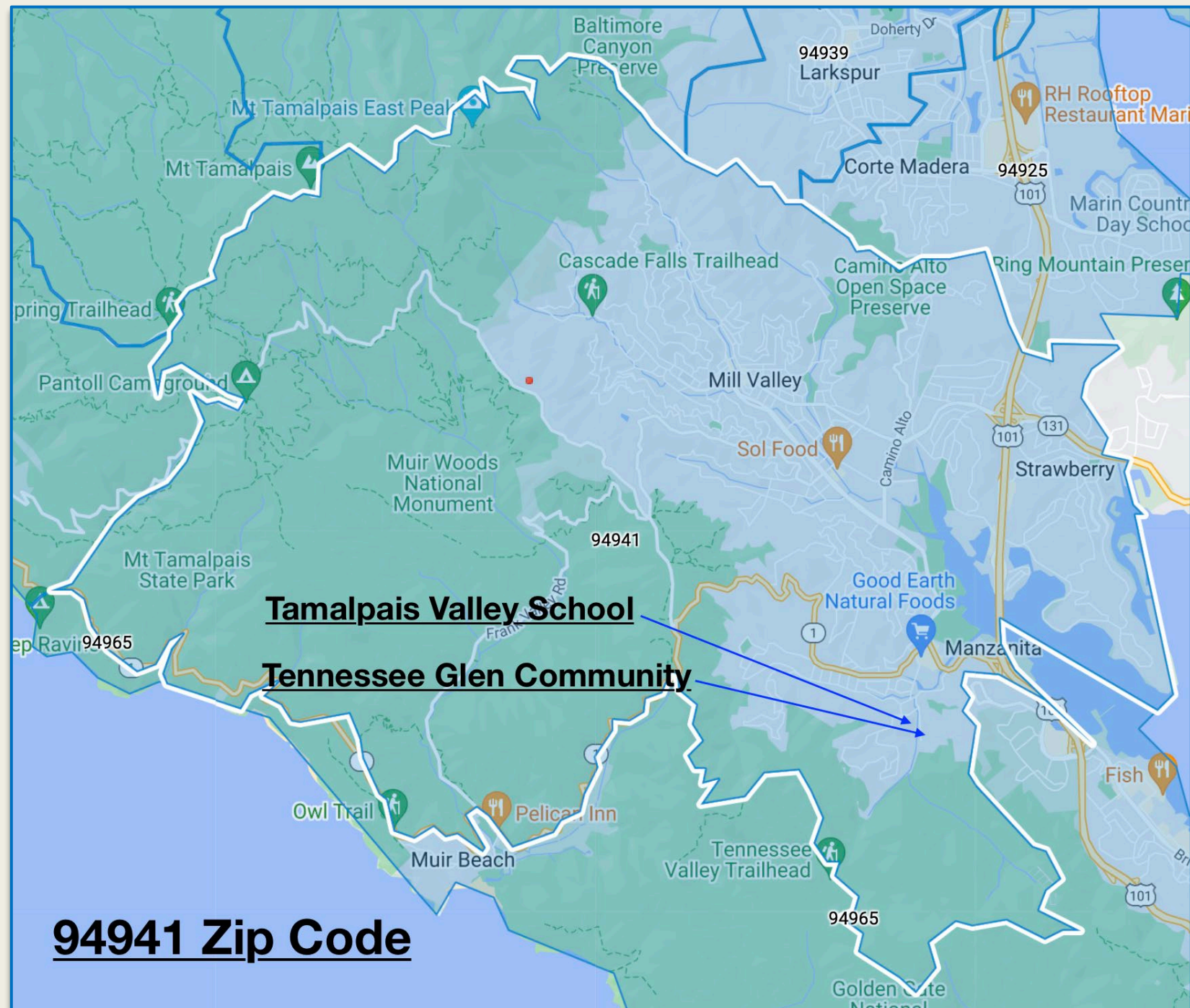
1963

- All of Tamalpais Valley assigned to Mill Valley 94941

1963

Tamalpais
Valley

Assigned to
Mill Valley
94941 zip
code



Tamalpais Valley School

Tennessee Glen Community

94941 Zip Code

HISTORY

1964

- Proposed Marincello Development - 2,100 K-8 students
- MVSD Annexes East Tennessee Valley Road to SMCSD
 - Students forced to withdraw from Tam Valley School
 - Affected families homeschool or use Mt. Carmel in Mill Valley

MARINCELLO



MARINCELLO



HISTORY

1972

- Proposed Marincello Development Abandoned
- Sold to Golden Gate National Recreation Area - Permanent Conservation
- With no E. Tennessee Valley Road Students Enrolled in SMCSD, Properties Fail to be Returned to MVSD

HISTORY

“ several properties east of Tennessee Valley Road, ... are located within the Sausalito Marin City School District.” “..... MVSD **annexed portions of that area to the Sausalito School District when a very large development ... was in the planning stages.** MVSD “would have been unable to accommodate the large number of students expected to be generated by such a development.

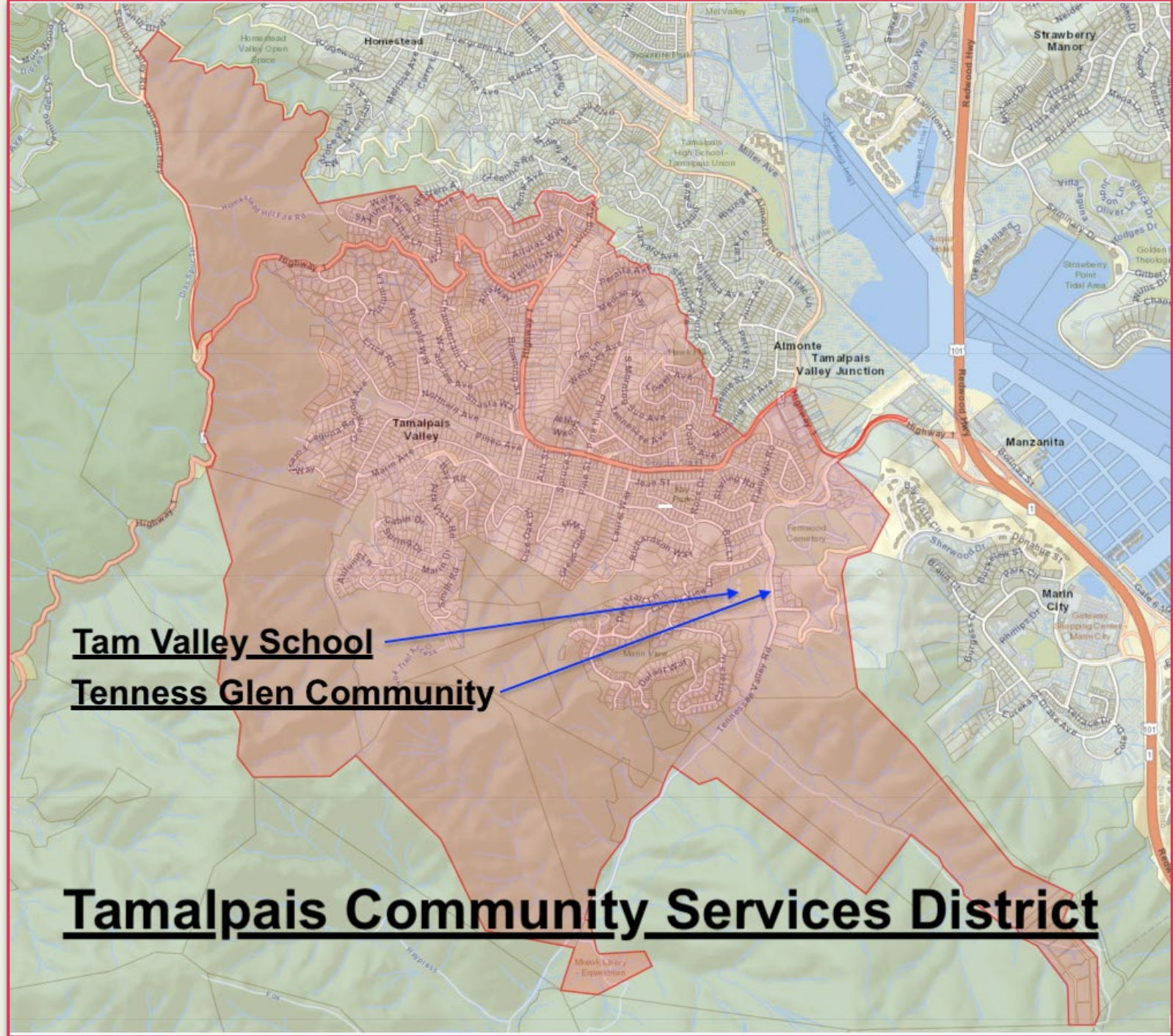
..... **Although the development never came to fruition, several parcels on the east side of Tennessee Valley Road remained within the Sausalito-Marin City School District boundaries.**”

MVSD Superintendent K. Benney, 2008

HISTORY

1998-1999

- 10 Tennessee Glen Community (TGC) Homes Built
- 94941 Address
- Inside Unincorporated Mill Valley Boundary
- Inside Tamalpais Community Services District Boundary
- Developer Posts \$71,967 and Initiates Petition for Territory Transfer



Tam Valley School

Tenness Glen Community

Tamalpais Community Services District

HISTORY

2000

- TGC Families Continue Petition to Transfer Territory
- TGC Agrees to Withdraw Petition in Favor of Five-Year Evergreen Enrollment Agreement Renewed Annually
- TGC Releases \$71,967 to MVSD
- TGC Continues Paying Annual Property Taxes to SMCSD and Begins Paying Parcel Taxes to MVSD

HISTORY

2007

- MVSD Does Not Renew Agreement

2008

- MVSD Notifies TGC of 2007 Non-Renewal
- Subsequently, MVSD Notifies TGC of Renewal

2009

- MVSD and SMCSD Approve New Agreement - Same Terms as 2000 Agreement

HISTORY

2010

- SMCSD Renews Agreement “*due to the close proximity of families to Mill Valley Schools as compared to Sausalito Marin City Schools.*”

2011

- Agreement is Renewed - Term is Shortened

2013

- SMCSD Renews Agreement - Eliminates Renewal Provision

HISTORY

2013 - 2015

- Districts Do Not Respond to Homeowner Communications Regarding Agreement Status

2016

- MVSD and SMCSD Approve New Agreement - Again Shortening Term and Limiting Provisions

2017 - 2018

- Districts Do Not Respond to Homeowner Communications Regarding Agreement Status

HISTORY

2019

- California Attorney General's SMCSD Decree

2020

- Families Receive Confusing and Incorrect Information about Status of Agreement
- Attorney General clarifies 2019 Decree "does not prohibit establishment of interdistrict attendance agreement"
- COVID Takes Precedence over Attempts at Resolution

CURRENT STATUS

2022

- Six TGC Students Enrolled in MVSD
- Homeowners Continue to Pay Property Taxes to SMCSO
- Homeowners Continue to Pay Parcel Taxes to MVSD
- Enrollment Agreement has Lapsed

LOGICAL BOUNDARIES

Tennessee Glen Community is Unique

- Physically isolated from Sausalito-Marin City by 400' Undeveloped Ridge
- Surrounded by Fernwood Cemetery, Woolly Egg Ranch, GGNRA and Tam Valley School
- Inside Tamalpais Valley Community Boundaries
- Inside Tamalpais Community Service District Boundaries
- Inside Mill Valley 94941 postal code

TGC within Logical Territory Boundaries of MVSD



Tamalpais Valley School

Tennessee Glen Community

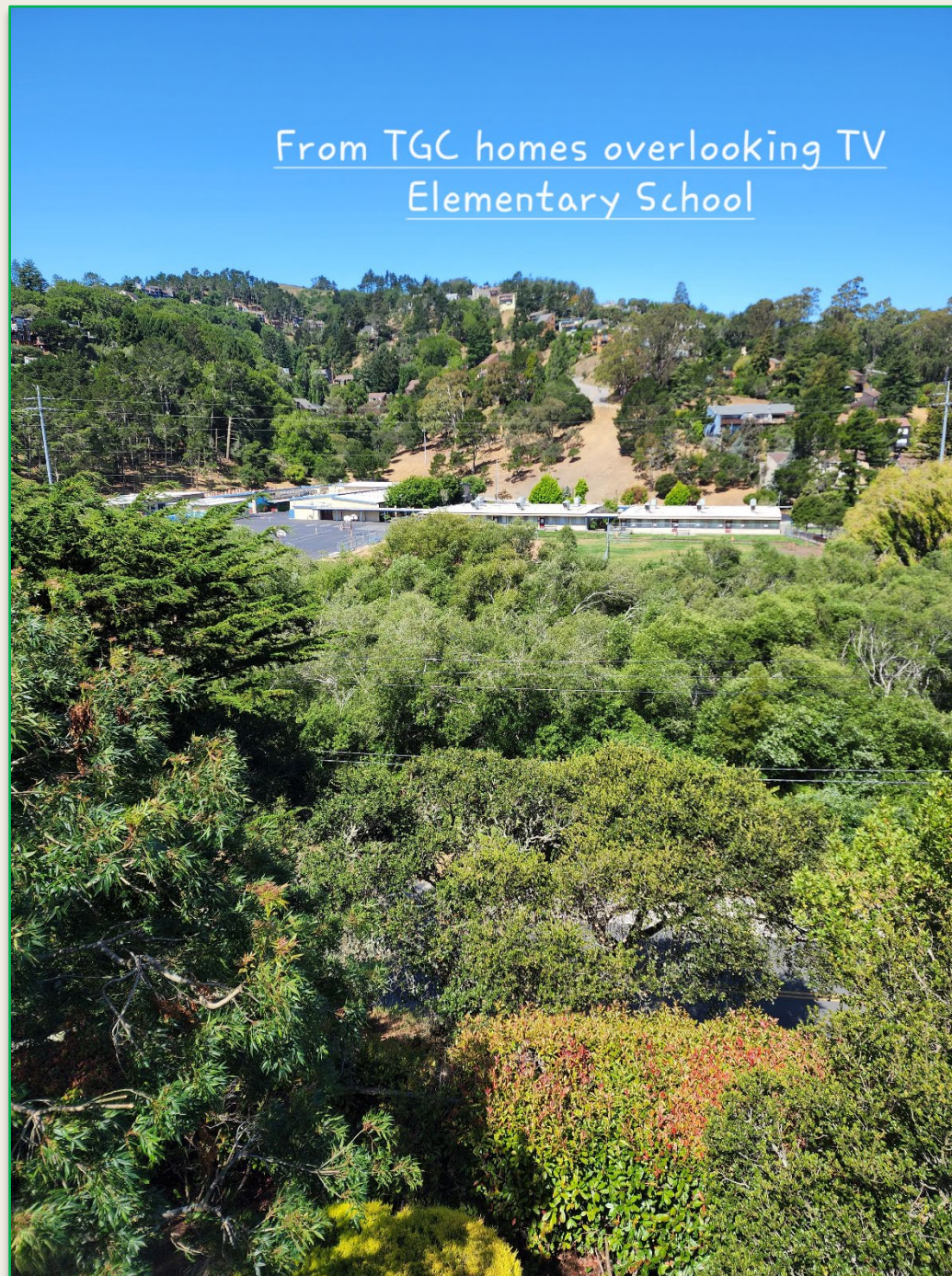
LOGICAL BOUNDARIES

- 400' between Tennessee Glen and Tam Valley School
- Close Enough to Hear Our Children and Teachers All Day
- Only 16 Homes in MVSD are Closer to Tam Valley School
- MVSD Safely Accessed by Walking, Biking, Driving on Local Roads
- In 71 Years No Child East of Tennessee Valley Road and South of Fernwood Cemetery has Attended SMCSD
- For 23 Years – Almost a Quarter Century – All TGC Public School Students Have Attended MVSD

TGC within
Logical Territory
Boundaries of
MVSD



TGC within Logical Territory Boundaries of MVSD

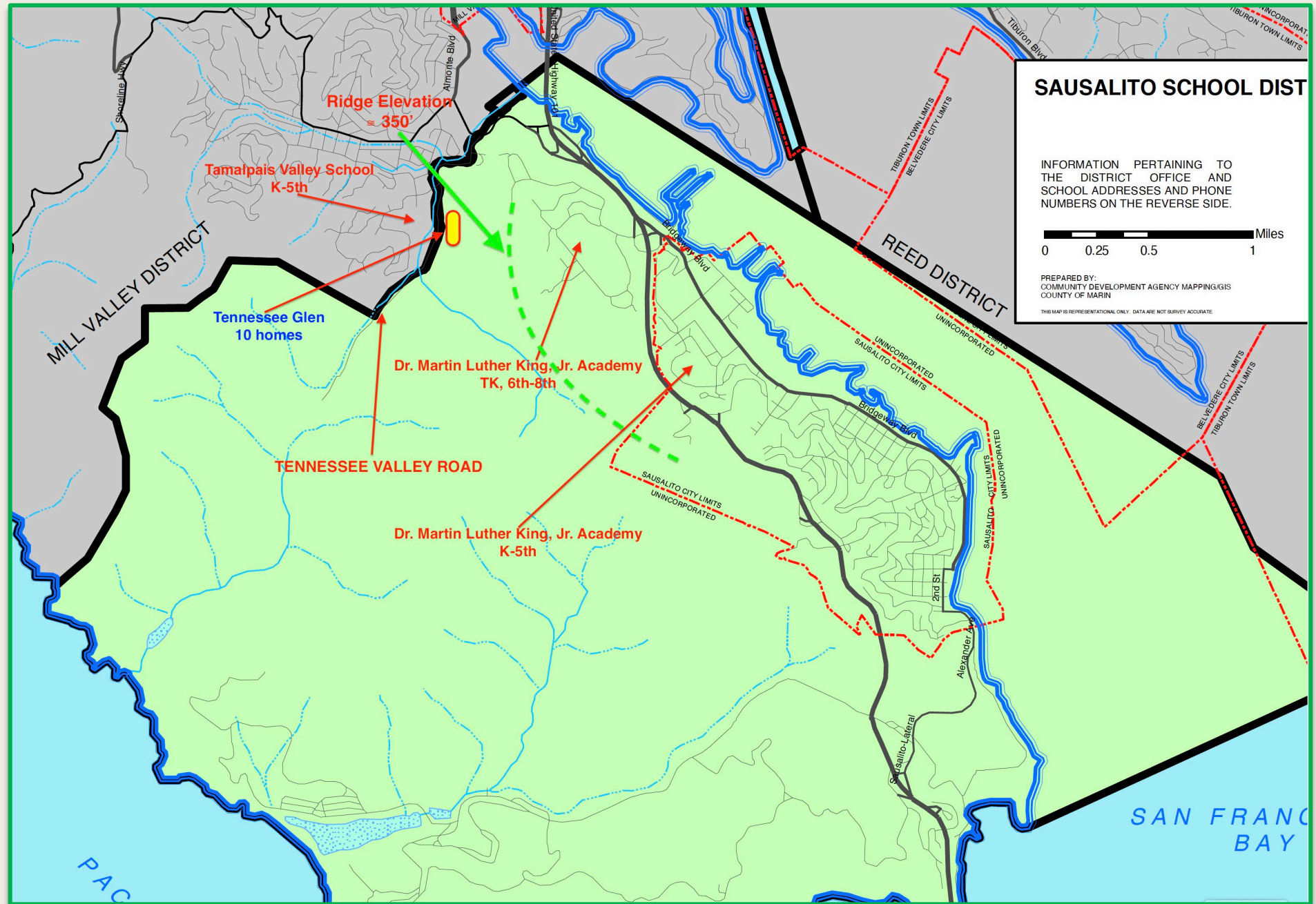


LOGICAL BOUNDARIES

SMCSD Schools

- Not Safely Accessible by Walking or Biking
- 4.4 Miles of Walking and Public Buses via State and Federal Highways Each Day. 90+ Minutes per Day.
- 6 Miles by Private Car via State and Federal Highways Each Day. 30+ Minutes per Day.
- Far Removed from Tennessee Glen Children's Natural Community, Friends and Activities

TGC within Logical Territory Boundaries of MVSD



LOGICAL BOUNDARIES

Impacts of Re-Districting for MVSD and SMCSD

- **No** Increase in School Facilities
- **No** Disruption to Educational Programs
- **No** Change in Ethnic Demographics
- **No** Increase/Decrease in Costs
- 2022-23: MVSD – 6 students; SMCSD – 0 students
- 2023-28: MVSD – 5 students; SMCSD – 0 students *

** anticipated **

CONCLUSION

- Rationale for annexing East Tennessee Valley Road to SMCSD did not and can never come to fruition.
- In 71 years no child in TGC area has attended SMCSD.
- Burden of transporting students outside natural community at distances required with feasible family strategies not equitable.
- TGC has acted in good faith for 22 years paying Property and Parcel taxes to two Districts; Unpredictable administration of Agreement causes undue stress for families and children.
- **Only logical resolution is permanent re-districting.**

THANK YOU

The Tennessee Glen Community



The Byrne Family

The Camilleri-Gardner Family

The Cerchiai-Brennan Family

The Courant Family

The Johnston-Penny Family

The Keon-Vitale Family

The Kirby-Roussel Family

The Roth Family

The Roy Family

The Salisbury-An Family

Agenda Item 5a:

Explanation of the Petition & Presentation of Facts

1. Petition Received by County Superintendent of Schools: 10/21/2022
2. Petition Submitted to the Registrar of Voters: 10/26/2022
3. Certificate of Petition Verification Received from the Registrar of Voters: 10/26/2022
4. County Superintendent of Schools Validated Petition: 10/28/2022
5. Number of Parcels in Territory: 10
6. Number of Registered Voters in Territory: 21
7. Number of Signatures on Petition: 17
8. Number of Valid Signatures: 17

October 21, 2022

Superintendent Mary Jane Burke
Secretary, Marin County Committee on School District Organization
superintendentsoffice@marinschools.org
Marin County Office of Education
1111 Las Gallinas Avenue
San Rafael CA 94903

Dear Superintendent Burke,

Enclosed please find our Petition for Territory Transfer "Petition for Re-establishment of Territory of District Organization."

We are petitioning the Marin County Committee on School District Organization to return our ten homes, the Tennessee Glen Community, to the Mill Valley School District from the Sausalito Marin City School District, the district to which our properties were annexed in the mid-1960's in anticipation of the proposed and subsequently abandoned development of "Marincello."

Our petition has the support of 100% of the registered electors residing in the territory proposed to be transferred. We have signatures from 100% of the affected households, only lacking the signatures of three young adults who use their parents' homes as their legal addresses but were not physically available to sign.

Our petition describes the reasons for the re-districting of our ten homes, and meets all of the requirements as we understand them. Prior to submitting our petition we have consulted with the California Attorney General, the superintendents of each of the affected districts and the leaders of the affected districts' boards of trustees.

As the Marin County Office of Education is aware, we have acted collaboratively and in good faith for almost a quarter of a century to avoid the formality of a territory transfer. In light of the history and our experience to date we believe, and hope that the Committee will agree, that a permanent return of our properties to the Mill Valley School District is the appropriate and just decision.

Sincerely,


Phyllis Gardner, Chief Petitioner


Pam Keon, Chief Petitioner

Copies:

Jay & Josephine Courant

Jennifer Johnston

Denis & Susie Roy

Bob Kirby & Guilaine Roussel

Garth Salisbury & Janet An

Brian Byrne

Gino Cerchiai and Shawn Brennan

Brian and Vanessa Roth

PETITION FOR TERRITORY TRANSFER AND RE-ESTABLISHMENT OF TERRITORY OF DISTRICT ORGANIZATION

To the Marin County Committee on School District Organization:

Pursuant to Education Code Section 35700, subdivision (a), the undersigned Petitioners constituting at least 25 percent of the registered voters residing in the territory proposed for re-establishment within historical boundaries of the Mill Valley School District (MVSD), Marin County, being transferred from the Sausalito Marin City School District (SMCSD) as hereinafter described, petition that the territory be again included within the Mill Valley School District of Marin County (Attachment 1 “Registered Voters Residing in the Tennessee Glen Community – Affidavit - Jurat”).

The ten properties to be permanently re-instated are described as follows:

Tennessee Glen Community (TGC) (Attachment 2 “Aerial View of Tennessee Glen Community”, Attachment 3 “Community Boundaries with Schools”)

401 Headlands Avenue, Mill Valley, California, 94941
400 Tennessee Glen Way, Mill Valley, California, 94941
402 Tennessee Glen Way, Mill Valley, California, 94941
403 Tennessee Glen Way, Mill Valley, California, 94941
404 Tennessee Glen Way, Mill Valley, California, 94941
405 Tennessee Glen Way, Mill Valley, California, 94941
406 Tennessee Glen Way, Mill Valley, California, 94941
407 Tennessee Glen Way, Mill Valley, California, 94941
408 Tennessee Glen Way, Mill Valley, California, 94941
409 Tennessee Glen Way, Mill Valley, California, 94941.

Clarification of Place Names (Attachment 4 “Clarification of Place Names”, Attachment 5 “Map MVSD”, Attachment 6 “Map SMCSD”, Attachment 7 “Map of SMCSD with TGC annotated”)

The similarities among the place and school names relevant to this petition deserve description in order to enhance the clarity of the petition.

Tamalpais Valley - An unincorporated portion of Mill Valley 94941, with approximately 7,500 residents, one fire station and one public elementary school.

Tennessee Valley - The southeast portion of Tamalpais Valley, an unincorporated portion of Mill Valley 94941, originally named Coyote Valley. Through the 1940's the area was predominantly dairy farms.

Tennessee Valley Road - A 1.6 mile long road that runs from Shoreline Highway south to the Golden Gate National Recreation Area's Tennessee Valley Trailhead, bisecting Tennessee Valley in Tamalpais Valley, an unincorporated portion of Mill Valley 94941.

Tamalpais Valley School – A MVSD kindergarten through fifth grade elementary school, opened in 1951 at 350 Bell Lane, Mill Valley, located in unincorporated Mill Valley in the Tennessee Valley portion of Tamalpais Valley.

Tennessee Glen Community (TGC) – A community of ten homes adjacent to Tennessee Valley Road on the east side of Tennessee Valley, in Tamalpais Valley, the unincorporated portion of Mill Valley 94941. Built between 1998 and 1999, these homes are bordered on the west by Tennessee Valley Road and the Tamalpais Valley School, on the north and east by the thirty-two acre Fernwood Cemetery and a 397 foot undeveloped ridge, and on the south by the Woolly Egg Ranch, an almost 150 year old working farm, and the Golden Gate National Recreation Area, permanently conserved land owned by the National Park Service.

For the last 23 years TGC has operated and relied on Section 4 of the 2000 Agreement (see Background) establishing the right that our children attending public school attend Mill Valley Schools. The SMCS D map uses Tennessee Valley Road as the boundary line. TGC stands ON that boundary line on its side of the road and is physically isolated from the SMCS D. It is surrounded by Fernwood Cemetery which rises to the ridge above the community on two sides, The Woolly Egg Ranch (a leased property of the Golden Gate National Recreation Area) and the Golden Gate National Recreation Area. Behind TGC is an undeveloped ridge with an elevation of 397 feet. TGC faces Coyote Creek and Tamalpais Valley School and the unincorporated community of Tamalpais Valley in Mill Valley zip code 94941 that rises to the opposing ridge. TGC is located well within the Tamalpais Community Services District, and pays mandated fees to that district for recreation, sewage, and refuse. (Attachment 8 TGC neighborhood and Tamalpais Community Services District Boundaries)

Background

Until 1951, the boundaries of SMCS D included homes on Tennessee Valley Road extending south to include dairy farms in what is today's Golden Gate National Recreation Area. Historically, residents of Tennessee Valley, through which Tennessee Valley Road runs, have believed that they live in Mill Valley and have identified themselves as residents of Mill Valley. With the introduction of postal zip codes in 1963, the properties were indisputably in Mill Valley 94941.

Prior to 1951, all Tamalpais Valley children were bussed to schools distant from the local community. In 1950, 200 Tamalpais Valley children were bussed throughout the Mill Valley School District to schools two and one-half to three miles from their homes. At this time, the handful of children living along Tennessee Valley Road were bussed to the former Central School and then the former Martin Luther King School in Sausalito, the former three and one-half to four and one-half miles away and the latter two and four-tenths to three and one-half miles away depending on exact location of the Tennessee Valley home. According to those residents still living today who were students at that time, transportation for these children took up to two hours each day. The challenges of this strategy were noted by the California State Division of School House Planning which began recommending in 1930 that a school be built in Tamalpais Valley to serve all students in the area.

In 1951, 71 years ago, with the impending development of Crest Marin, commonly known as "Birdland" to the immediate west of Tennessee Valley Road, MVSD's Tamalpais Valley School opened at 350 Bell Lane, Mill Valley and the boundaries of MVSD were adjusted to encompass the children on both sides of Tennessee Valley Road including the current location of the TGC. The school campus is on the site of a former dairy farm, at which many of these children's parents had worked, and the surrounding area had long been an unofficial playground for local children. Tamalpais Valley children who had been bussed to Sausalito immediately enrolled in the local school, Tam Valley, to which they could easily walk. As the local population rapidly increased, Tam Valley School became the home school and cultural center for all Tamalpais Valley children. Consistent with the intention to continue to include all children from the Mill Valley 94941 zip code, in 1959 MVSD began planning the construction of a new junior high

school adjacent to the Tamalpais Valley elementary school.

In the mid-1960's, private efforts began to develop previously government-owned land in the Marin Headlands, between today's Bunker Road and today's Marincello Trail. Initially supported by the Marin County Board of Supervisors, the proposed development, Marincello (Attachment 9 "Proposed Marincello Development"), projected the addition of 2,107 K-8 students to MVSD, a potentially doubling of its existing size. Due to MVSD's inability to accommodate this dramatic influx of students, it was agreed to re-adjust the school district boundaries and assign the few existing homes east of Tennessee Valley Road to the SMCSD. (In 2008, then MVSD Superintendent Ken Benny stated, "the Mill Valley School District annexed portions of that area to the Sausalito School District decades ago when an exceptionally large development with access/egress orientation toward Sausalito was in the planning stages. It was at a time when the Mill Valley School District would have been unable to accommodate the enormous number of students expected to be generated by such a development. Although development never came to fruition, several uninhabited parcels on the east side of Tennessee Valley Road remained within the Sausalito-Marin City School District boundaries.") The families of the few homes east of Tennessee Valley Road, overlooked in Superintendent Benny's 2008 statement, were forced to withdraw their children from their home school, Tam Valley, and chose to either home school or to send their children to the Mill Valley parochial school rather than to leave their home community of Mill Valley in order to attend school in Sausalito.

In 1972, after years of litigation and the withdrawal of support for Marincello by the Marin County Board of Supervisors, the 2,138 acres of land were sold to the Nature Conservancy and then transferred to the Golden Gate National Recreation Area, to be permanently protected from development and extinguishing any future possibility of increased enrollment of students in the public schools. At this time, the handful of families along Tennessee Valley Road were forgotten. Of modest means, those still here today claim that they did not understand how to remedy the situation and had no advocates to help restore the district boundaries to their prior condition. They instead continued to home school or send their children to the Mill Valley parochial school. With no children enrolled in either SMCSD or MVSD from Tennessee Valley there was nothing to alert the two district administrations of the need to return the school district,

boundaries to their prior condition. ***As a result, as a quirk of geography and map-drawing with a school district whose boundaries extend far into uninhabited national parkland, the location of the TGC was left by oversight within the SMCSD.***

In the late 1990's, the ten homes that now make up TGC were built. The developer states that he was approached by MVSD, which advised that although the homes had a Mill Valley 94941 address they had inadvertently been left in the SMCSD since 1972. He was further advised that MVSD would accept the area back into its district and therefore a petition was initiated in September 1998 to re-align the school boundaries pursuant to Education Code Section 35721. The developer also deposited \$71,967.80 in an escrow account to go to MVSD upon final approval of the school district boundary re-alignment.

In 1999, the TGC Residents became responsible to move the petition forward. The Residents and leaders of MVSD and SMCSD worked collaboratively, prompted by the desire to resolve this illogical circumstance. The Residents were advised by the County to withdraw the petition in exchange for agreement among the parties that guaranteed inter-district transfers from SMCSD to MVSD on a five-year rolling basis, with understanding that the Agreement signed on April 6, 2000 (Attachment 10 2000 04 06 Tennessee Glen - MVSD - SSD Agreement ("The Agreement")), would be renewed annually. As a result, for the past 23 years all TGC children attending public school have attended MVSD schools, allowing them to walk and ride their bikes to their local school across the road, and develop friendships with children and families in their home community.

In addition to agreeing to withdraw the territory petition, the Residents have paid substantial financial consideration to implement the Agreement. First, in 2000, the Residents (through the developer of TGC) paid \$71,967.80 to MVSD, in recognition of the costs to be borne by MVSD because of increasing its student population (Attachment 11 "Public School Enrollment – 2012-2022.") In addition, since at least 2003, the Residents (all the households, including those that do not have students enrolled in MVSD schools) have paid annual parcel taxes, as part of their property tax bills, to support schools in MVSD without the ability to vote on these taxes. The Residents agreed to apply these taxes to their parcels at the request of then-MVSD

Superintendent Barbara Young as further consideration for the implementation of the Agreement among the parties. The Residents will have paid \$11,911.80 in MVSD parcel taxes for the 2021/2022 tax roll year, and more than \$237,000 in total parcel taxes since 2003. The Residents have continued to pay all tax obligations to SMCS D as well.

Over the subsequent years, the Residents have received unclear and confusing information, and at times have been unable to get information at all from MVSD and SMCS D regarding the status of the Agreement and the enrollment options of school-age children. Transitions in district leadership and governing bodies have resulted in failures to adhere to the terms of the initial and subsequent enrollment Agreements, resulting in undue stress and anguish for the Residents. Most recently, concerns and misinformation impacting both districts and TGC arose out of a stipulated judgment that SMCS D negotiated with the California Attorney General in *State of California v. Sausalito Marin City School District*. In late January of 2020, the Residents with children attending MVSD schools received an email from the district stating that the Agreement “expires in June of this year and is unable to be renewed or reestablished”. (Attachment 12 “01 27 2020 MVSD Email”). Troublingly, the email did not reassure the families that children currently attending MVSD schools would be able to finish their educations without interruption, as per the Agreement. In addition, TGC residents who pay parcel taxes to MVSD and do not have children currently enrolled in MVSD schools never received any communication regarding the situation from either district. After meeting with the MVSD superintendent and expressing their concerns, the families received a response from the district dated February 20, 2020 (Attachment 13 “02 20 2020 IDT Letter”) stating that they would need to individually request a transfer and gain approval from both SMCS D and MVSD on an annual basis. The correspondence did not recognize the Agreement among the parties or the reasonable, indeed statutory imperative (Attachment 14 CA code, Education Code 48900 Section 46600(a)(1) and Attachment 15 “03 10 2020 Nielsen Merksamer to Superintendent Mary Jane Burke, Marin County Superintendent of Schools”) that children should not be uprooted in the middle of their education. An email summary dated March 26, 2020, of a teleconference submitted by Garret Lindsey, Deputy Attorney General, California Department of Justice which included Mary Jane Burke, Marin County Superintendent of Schools, in attendance (Attachment 16 “03 26 2020 GLindsey Deputy AG CA DOJ to MVSD-SMCS D-MCOE”) made it clear that Section VI of the

Consent Decree negotiated with SMCS D does not prohibit the establishment of inter-district attendance agreements or student attendance in MVSD. Finally, on April 28, 2020 (Attachment 17 “Tennessee Glen letter 04 28 2020”), a letter from the MVSD superintendent was sent to those families of children who were currently enrolled in MVSD stating that “consistent with the terms of the 2000 Tennessee Glen Agreement” the children of those families would be allowed to complete their educations through eighth grade in MVSD. The letter made no reference to other terms of the Agreement, including the ability of not-yet-enrolled siblings of those children also being able to begin and complete their K-8th grade educations in MVSD.

To be clear, TGC does not find fault with either district in this instance nor in the multiple prior instances when confusion has occurred and when changes have been made to the Agreement by one or both districts, even when changes were made without informing TGC families. The position of TGC after almost a quarter of a century is that all parties have operated in good faith in an attempt to implement a solution that is by nature fraught and vulnerable to the naturally occurring multiple changes in decision-makers at the governance and administrative levels.

At the conclusion of this most recent episode in 2020, the TGC residents were advised to file this petition to re-establish the proper logical territory boundaries. Having paused efforts in consideration of the challenges for both districts posed by COVID, TGC has now restarted the process. Represented by Chief Petitioners Pam Keon and Phyllis Gardner in pursuing the goal of re-establishing the proper logical territory boundaries, TGC has had briefing conferences and e-mail exchanges with Terena Mares, Senior Deputy Superintendent and Jonathan Lenz, Deputy Superintendent, to best understand Marin County’s Territory Transfer processes. Both Ms. Keon and Ms. Gardner also discussed TGC’s intention to seek a territory re-alignment with Dr. Berman, Superintendent, MVSD and Todd May and Emily Uhlhorn of the Mill Valley School Board and Dr. Itoco Garcia, Superintendent, SMCS D and Ida Times and Bonnie Hough of the Sausalito Marin City School Board. Those meetings were very productive. One concern that emerged was the impact of the Consent Decree on territory transfers. We were urged to contact the Attorney General’s office.

Ms. Keon and Ms. Gardner met electronically with Deputy Attorney General Garrett Lindsey,

and Supervising Deputy Attorney General Christine Chuang. Deputy AG Lindsey reiterated his 2020 opinion that under the 2019 judgment SMCS D can establish inter-district enrollment agreements. Based on this opinion, our children have remained enrolled in MVSD. Regarding territory transfer, the DAG Lindsey was unequivocal that any territory transfer is outside the scope of the 2019 judgment and therefore any question about such a transfer is not germane to that judgement (Attachment 18 “10 11 2022 Tennessee Glen Re-districting – AG response”).

Merits of the Petition for Territory Transfer and Re-establishment of Territory of District Organization and Conditions of Education Code 35753.

1. The reorganized districts will be adequate in terms of numbers of pupils enrolled.

We can document that all TGC children who have attended public schools have attended MVSD schools over the entire 24 years’ time that the TGC has been in existence. As required for this petition Attachment 11 “Public School Enrollment 2012-2022 details the enrollment for the past 10 years. Because these homes have been aligned with the Mill Valley community, specifically unincorporated Tamalpais Valley (including TGC address and Mill Valley postal address), no child from TGC has ever attended SMCS D. The permanent re-districting of TGC to MVSD will result in the reorganized districts remaining adequate in terms of number of pupils enrolled.

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

A permanent return of TGC to MVSD will allow both SMCS D and MVSD to be organized on the basis of a substantial community identity. Children on the east side of Tennessee Valley Road have a Mill Valley address, play in the Mill Valley sports leagues and participate in recreational activities in Mill Valley. The geography means that the immediate physical community for these children is Tamalpais Valley, visible from their doors. The families are all served by the Tamalpais Community Services District, which provides recreational programming for children and families throughout the year to TCSD residents. These children are residents of Mill Valley. SMCS D is in another zip code, includes an unincorporated area separated from Tam Valley by an undeveloped range with elevations of 400’, and is only accessible by taking a federal highway from one community to the other.

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

No impact on either school district is projected. This petition only includes ten homes. For the 2022-2023 school year, four students are enrolled at Tam Valley School and two students at Mill Valley Middle School. Attachment 19 "Projected School Enrollment 2022-2027" projects enrollment in the MVSD for the next five years based on the present residents of TGC. Because TGC students have never attended school in SMCSO and have always attended school in MVSD a permanent return of the territory to MVSD will result in no need for an increase or reduction in school facilities in either district.

4. The organization of the school districts will preserve each affected district's ability to educate pupils in an integrated environment and will not promote racial or ethnic discrimination or segregation.

The number of students out of the ten Residences that have been identified to be of school age within the next five years are of the same ethnic demographic. Because no student from TGC has ever attended SMCSO schools, the reorganization of the districts will preserve each affected district's ability to educate pupils in an integrated environment and will not promote racial or ethnic discrimination or segregation.

5. Any increased costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

We are unaware of any costs to the state of the proposed reorganization. The reorganization will permanently formalize the attendance of TGC children in the MVSD which has been the sole district of attendance for these children for almost twenty-five years.

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

Because no student from TGC has ever attended SMCSO schools, the reorganization of the districts will continue to promote sound education performance and will not disrupt the educational programs in the affected districts.

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

No impact on either school district is projected. This petition only includes ten homes with six children currently enrolled in MVSD. Attachment 19 "Projected School Enrollment 2022-2027" projects enrollment in the MVSD for the next five years based on the present residents of TGC. Because TGC students have never attended school in SMCSO and have always attended school in MVSD a permanent return of the territory to MVSD will result in no increase in school facilities costs in either district.

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

The proposed reorganization is designed to return the TGC to the MVSD in which it was located until the mid-1960's when it was annexed to SMCSO in anticipation of the development of a city of 30,000 residents, which not only did not occur but which ultimately resulted in the land contained in the proposed development being permanently conserved and protected from future development by the Golden Gate National Recreation Area, belonging to the National Park Service. This is a matter of making the correction to the district boundaries which should have been made fifty years ago.

9. The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the affected district.

The proposed reorganization should not decrease the ability of either district to practice sound fiscal management, and is not projected to have a substantial negative effect on either SMCSO or MVSD. This petition only includes ten homes. For the 2022-2023 school year, four students are enrolled at Tam Valley School and two students at Mill Valley Middle School. Attachment 19 "Projected School Enrollment 2022-2027" projects enrollment in the MVSD for the next five years based on the present residents of TGC. Because TGC students have never attended school in SMCSO and have always attended school in MVSD a permanent return of the territory to MVSD will result in no increase in cost. There will be a decrease to SMCSO of the TGC property tax revenue, which it has received without the cost of educating any student over the 24-year period of TGC's existence. Collectively, TGC

currently contributes \$36,294 in property tax and bond payments to SMCD annually, representing approximately 0.4% of SMCD's projected 2022-2023 \$7.7 million in total tax revenue. With SMCD's annual operating expense of \$10,144,657 for 2022-2023, TGC contributes approximately 0.3% of current per student spending. The property tax and bond contributions of TGC are de minimis with respect to both total revenue and current per student expenditures. Since 2000, all TGC residents have paid MVSD parcel taxes regardless of whether or not their children attend public school and would continue to do so as a result of the permanent territory transfer. (The difference for TGC is that the permanent redistricting would allow the residents to vote on the parcel taxes that are assessed in the future.)

10. Safe Routes to School

The residences of TGC are 350 feet from Tam Valley School. To walk or bicycle to school are the children's daily routines. There are only 16 homes in the entire MVSD that are closer to MVSD's Tamalpais Valley School than those of TGC. A child from TGC attending elementary school in SMCD cannot walk or ride a bicycle. That child's route would begin at approximately 7:30 am and include a one mile walk down Tennessee Valley Road (lacking sidewalks, crossing two unguarded streets) and then through residential and finally commercial areas to a heavily traveled and congested Tam Junction, through which runs a busy state highway with no sidewalks, in order to then take the 7:54 am public bus to Marin City. From there, the child would have to walk under the freeway from Marin City and then down Bridgeway for an additional one and two-tenths miles to get to school by 8:24 am. This would take approximately 50 minutes of walking at an adult pace and include a ride on a public bus (that must take California State Route 1 and Federal Highway 101) to reach the closest elementary school at Nevada Street, in Sausalito. Elementary school aged children would need to be accompanied by an adult, making two round trips totaling approximately three and one-half hours daily for that adult. To go by private vehicle during the school year in commute traffic, the car would meet an up to 10-minute backup at Tennessee Valley Road turning right onto California State Route 1. Once making the turn, another back up ensues until you reach the turn-off to Federal Highway 101. This route requires navigating road closures during King Tides, which are increasingly frequent, at both the Manzanita access to Federal Highway 101 and then again at the Marin City exit from

California Highway 101. (Additionally, the King Tides frequently render the traffic controls at Manzanita inoperable for days at a time.) Negotiating bumper to bumper rush hour traffic in both directions, morning and after school would challenge any family's scheduling. It would have a significant impact on the child while taking the child from its natural community and friends. Lastly, there is no viable route for children to do a one and eight-tenths mile cross-country hike over the 397-foot-high ridge to the Phillips campus in Marin City, or to continue the additional one and four-tenths miles from there to the Nevada Street campus in Sausalito. While middle school students are often capable of getting to and from school independently, TGC middle school students attending MVSD's Mill Valley Middle School use almost exclusively designated multi-use paths for two and two-tenths miles. To reach SMCS D's Phillip's Drive middle school campus requires a total two and six-tenths mile journey including one mile on the multi-use path adjacent to Highway 101, which can be closed due to high tides, and a one-half mile on streets going under the Highway 101 overpass.

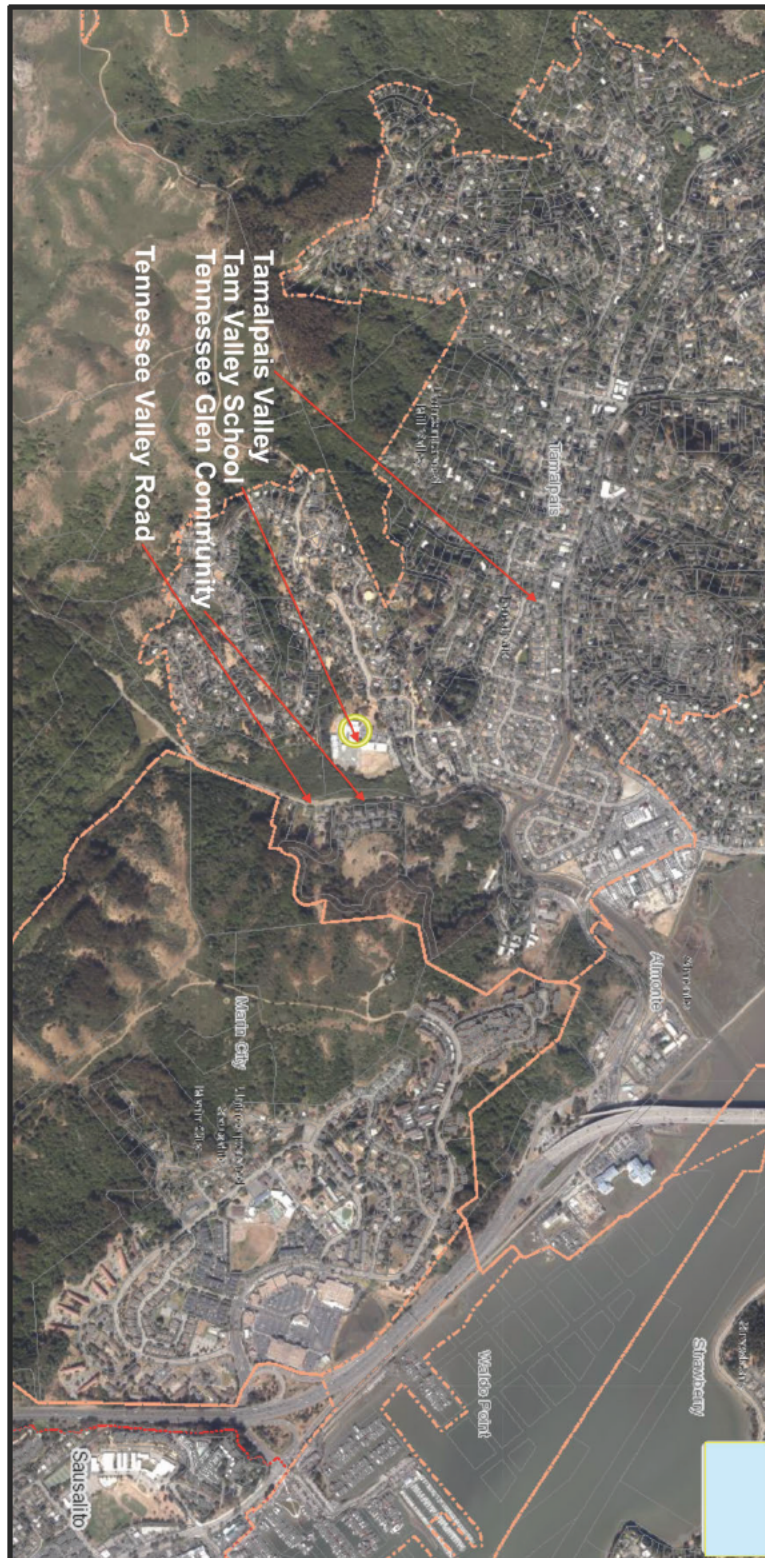
Summary

The Tennessee Glen Community is within the logical territory boundaries of MVSD. It is a unique community of 10 homes that is physically isolated from SMCS D. SMCS D is not a safe distance for TGC's elementary school students to walk or bike to school, and attending SMCS D schools requires a time-consuming journey by bus or private car and contending with traffic on state and federal highways. Even middle school students would face challenges unless transported by bus or private car. Attending SMCS D takes TGC children away from the natural community and friends. The burden of transporting these students outside their natural community at the distances required and having feasible family strategies is not equitable. The proposed reorganization is designed to provide a permanent and logical solution to an issue that was caused by an administrative oversight, has existed for over seventy years and which has not been successfully or sustainably addressed by short-term agreements. The permanent return of the Tennessee Glen Community to the Mill Valley School District will allow all parties the security of knowing that the annual question of school attendance has been permanently resolved.

LIST OF ATTACHMENTS

1. Registered Voters Residing in the Tennessee Glen Community – Affidavit - Jurat
2. Aerial View of the Tennessee Glen Community
3. Community Boundaries with Schools
4. Clarification of Place Names
5. Map MVSD
6. Map SMCSO
7. Map of SMCSO with TGC annotated
8. TGC neighborhood and Tamalpais Community Services District Boundaries
9. Proposed Marincello Development
10. 2000 04 06 Tennessee Glen – MVSD – SSD Agreement
11. Public School Enrollment - 2012-2022
12. 01 27 2020 MVSD Email
13. 02 20 2020 IDT Letter
14. CA code Education Code 48900 Section 46600(a)(1)
15. 03 10 2020 Nielsen Merksamer to Superintendent Mary Jane Burke, Marin County
16. 03 26 2020 GLindsey Deputy AG CA DOJ to MVSD-SMCSO-MCOE
17. Tennessee Glen letter 04 28 2020
18. 10 11 2022 Tennessee Glen Re-districting – AG response
19. Projected Public School Enrollment 2022 - 2027

ATTACHMENT 2
Aerial View of Tennessee Glen Community



ATTACHMENT 3
Community Boundaries with Schools



ATTACHMENT 4

Clarification of Place Names

Tamalpais Valley - An unincorporated portion of Mill Valley 94941, with approximately 7,500 residents, one fire station and one public elementary school.

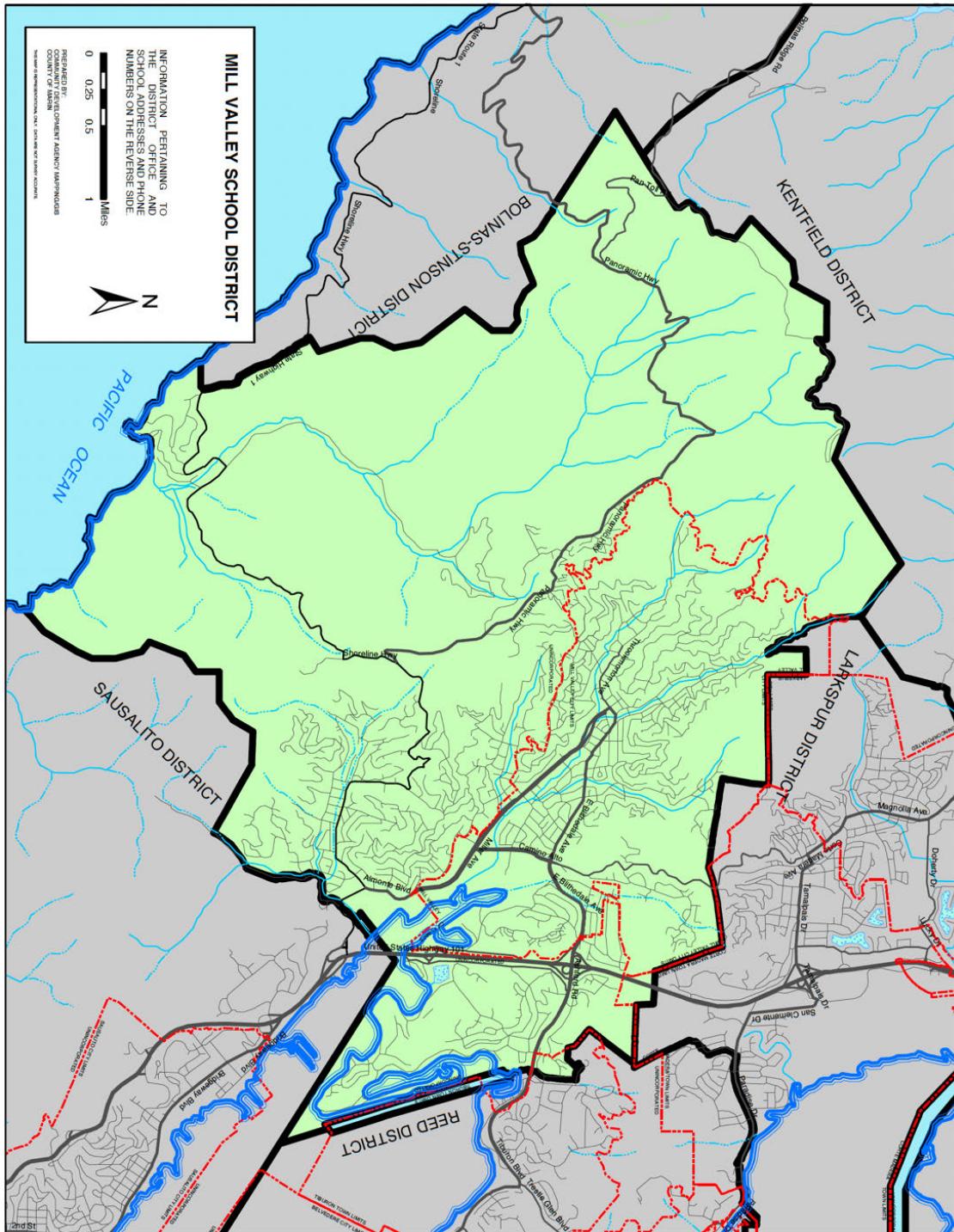
Tennessee Valley - The southeast portion of Tamalpais Valley, an unincorporated portion of Mill Valley 94941, originally named Coyote Valley. Through the 1940's the area was predominantly dairy farms.

Tennessee Valley Road - A 1.6 mile long road that runs from Shoreline Highway south to the Golden Gate National Recreation Area's Tennessee Valley Trailhead, bisecting Tennessee Valley in Tamalpais Valley, an unincorporated portion of Mill Valley 94941.

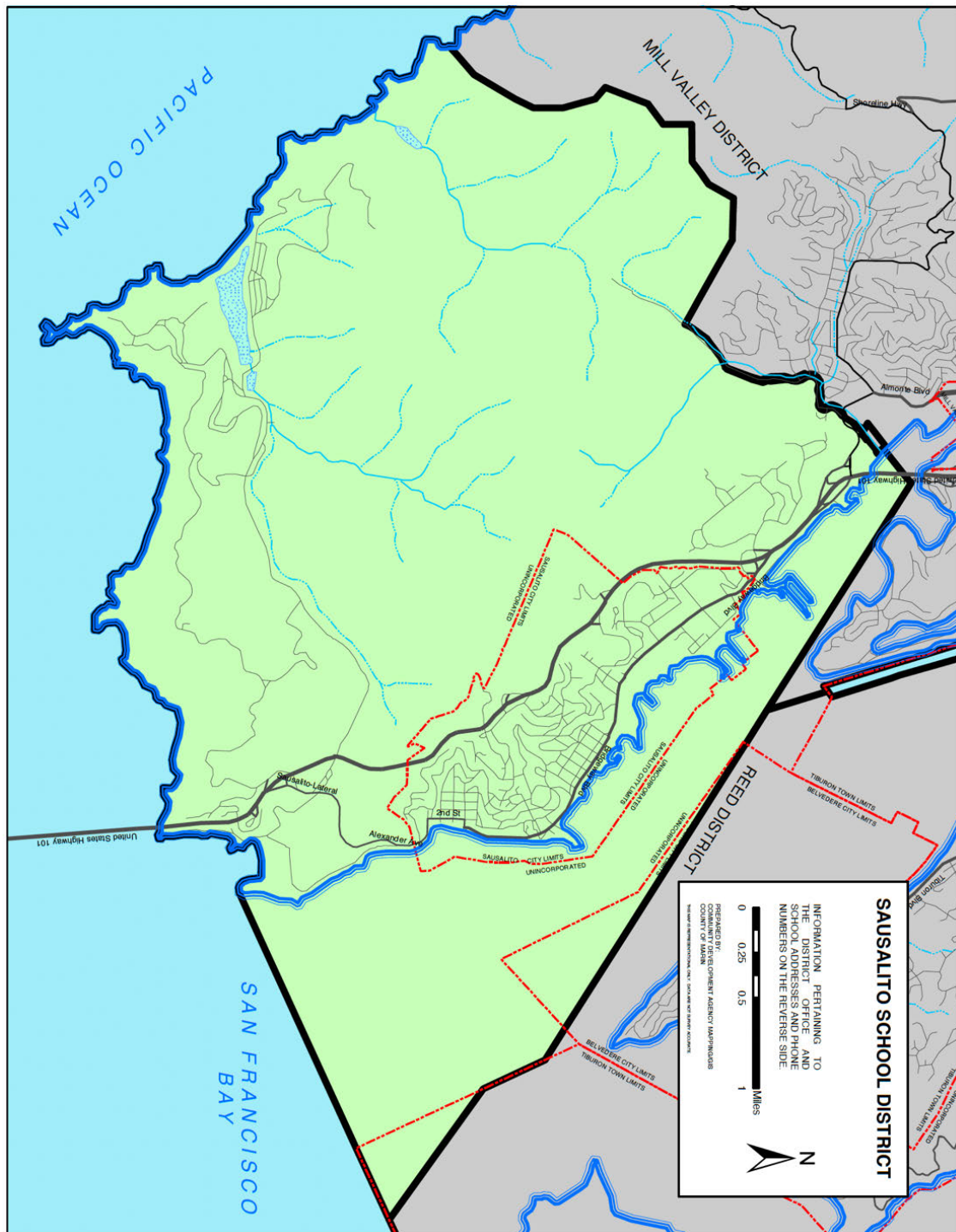
Tamalpais Valley School – A MVSD kindergarten through fifth grade elementary school, opened in 1951 at 350 Bell Lane, Mill Valley, located in unincorporated Mill Valley in the Tennessee Valley portion of Tamalpais Valley.

Tennessee Glen Community (TGC) – A community of ten homes adjacent to Tennessee Valley Road on the east side of Tennessee Valley, in Tamalpais Valley, the unincorporated portion of Mill Valley 94941. Built between 1998 and 1999, these homes are bordered on the west by Tennessee Valley Road and the Tamalpais Valley School, on the north and east by the thirty-two acre Fernwood Cemetery and a 397 foot undeveloped ridge, and on the south by the Woolly Egg Ranch, an almost one hundred fifty year old working farm, and the Golden Gate National Recreation Area, permanently conserved land owned by the National Park Service.

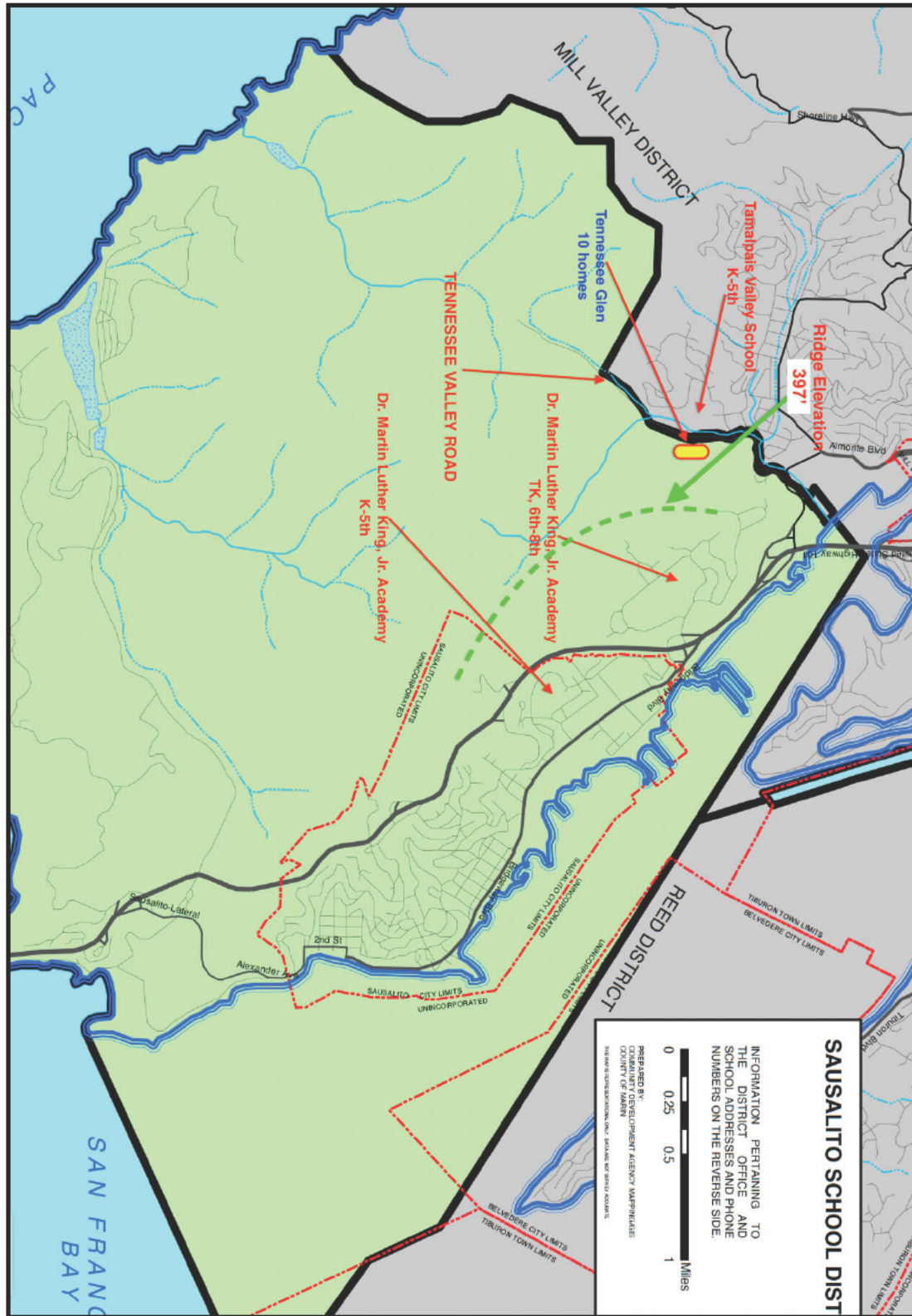
ATTACHMENT 5 **Map MVSD**



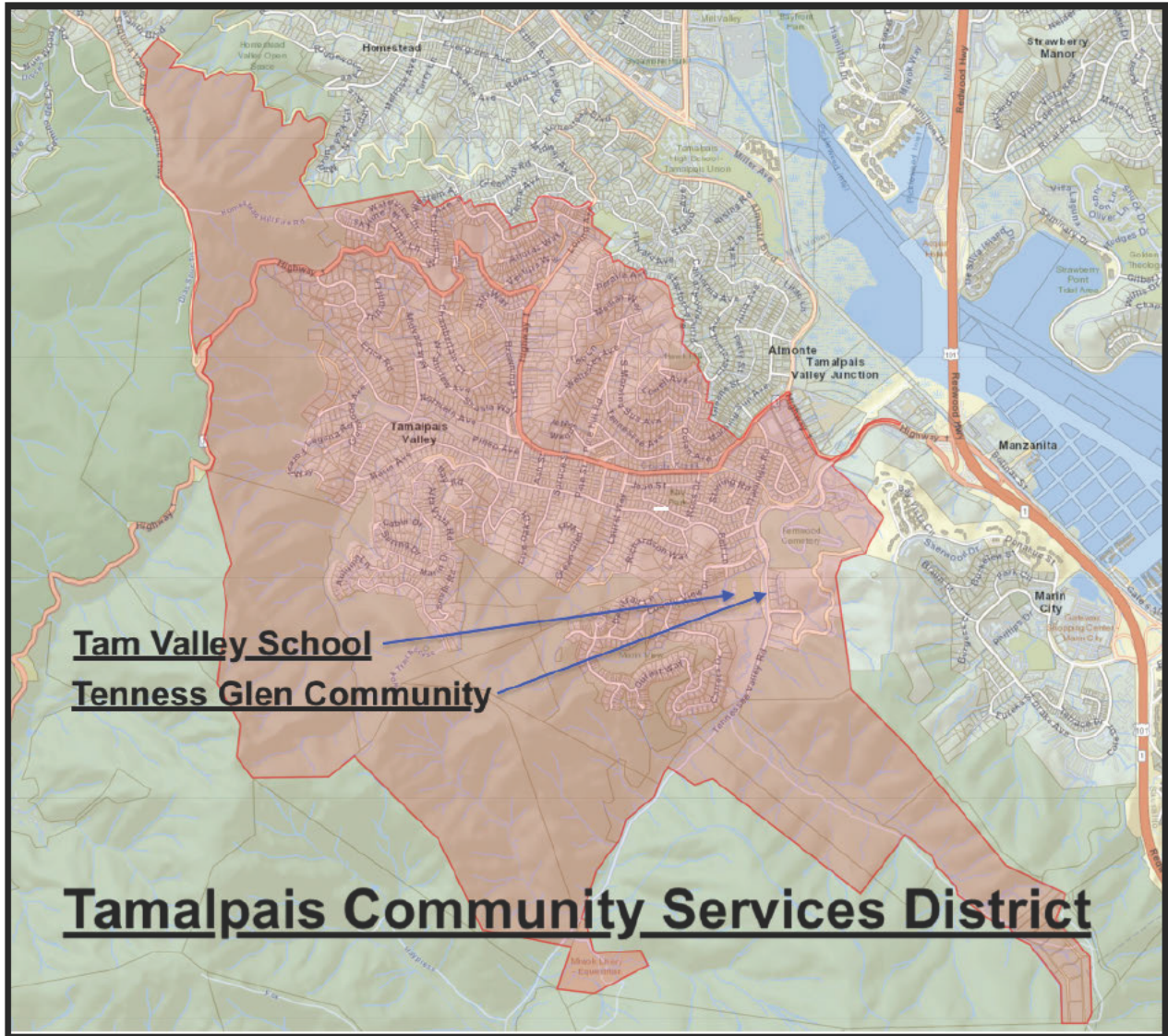
ATTACHMENT 6
Map SMCS



Map of SMCSD with TGC annotated

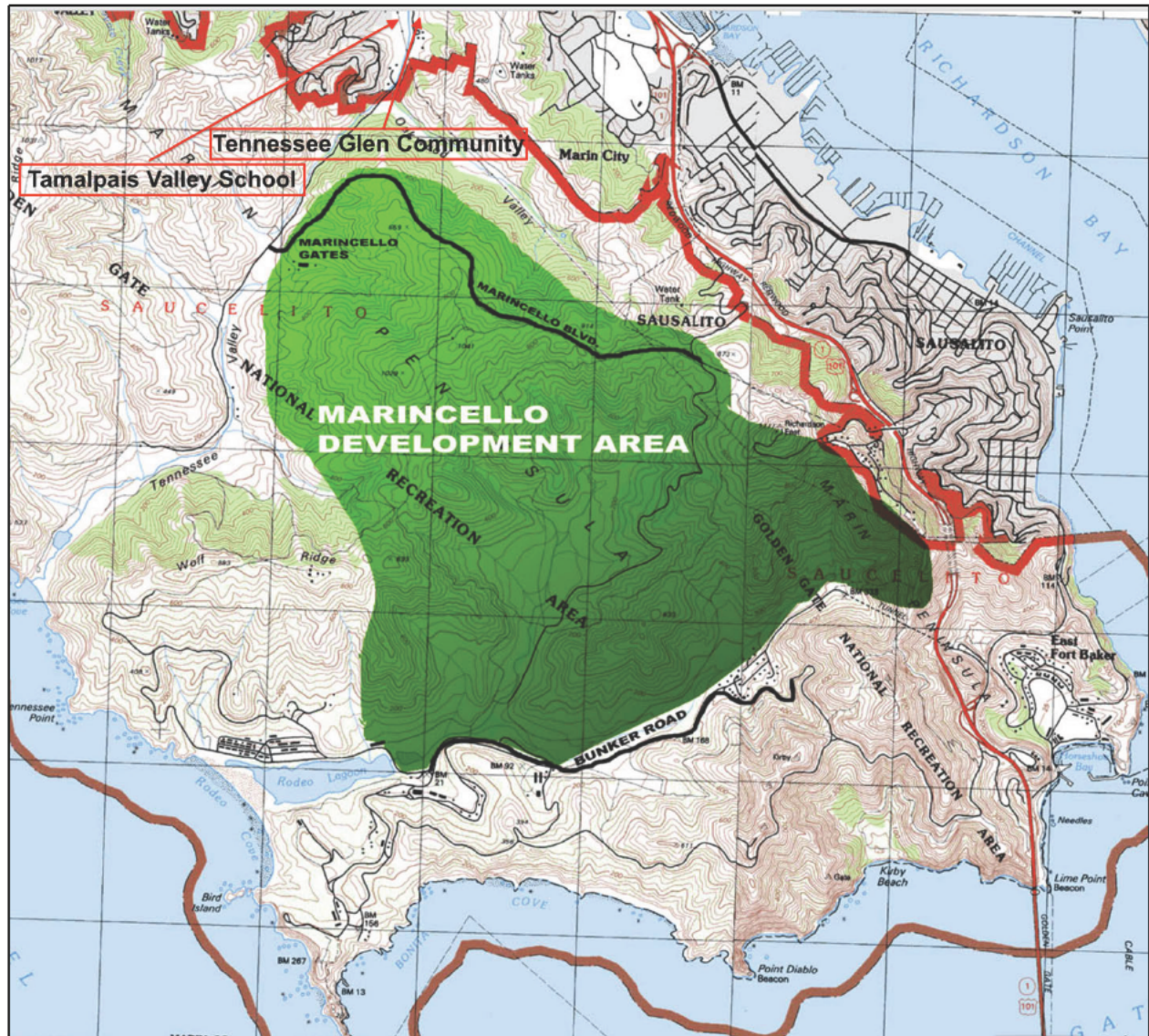


ATTACHMENT 8
TGC Neighborhood and Tamalpais Community Services District Boundaries



ATTACHMENT 9

Proposed Marincello Development



ATTACHMENT 10
2000 04 06 Tennessee Glen – MVSD – SSD Agreement
page one of three

TENNESSEE GLEN AGREEMENT

Parties

The parties to this Agreement are the Mill Valley School District (Mill Valley), the Sausalito School District (Sausalito) and the Tennessee Glen Petitioners (Petitioners).

Purpose

The purpose of this Agreement is to set forth the terms under which the issue presently before the Marin County Committee on School District Organization may be resolved through agreement among the parties.

Terms

1. In consideration of the other terms of this Agreement, Sausalito shall:

Enter an attendance agreement pursuant to Education Code Section 46600(a) with the Mill Valley School District under which all children residing in the current Tennessee Glen subdivision will have the choice of attending schools within the Mill Valley School District or the Sausalito School District.

- The initial term of the attendance agreement shall be for five school years, commencing July 1, 2000.
- On or before May 1 of each school year the school board shall consider whether the attendance agreement shall be extended for one year.

2. In consideration of the other terms of this Agreement, Mill Valley shall:

Enter an agreement pursuant to Education Code Section 46600(a) with the Sausalito School District under which all children residing in the current Tennessee Glen subdivision will have the choice of attending schools within the Mill Valley School District or the Sausalito School District.

- The initial term of the attendance agreement shall be for five school years, commencing July 1, 2000.
- On or before May 1 of each school year the school board shall consider whether the attendance agreement shall be extended for one year.

3. In consideration of the other terms of this Agreement, Petitioners shall:

Withdraw the petition now pending before the Marin County Committee on School District Organization.

ATTACHMENT 10

2000 04 06 Tennessee Glen – MVSD – SSD Agreement

page two of three

4. All parties agree that all children who may reside in the current Tennessee Glen subdivision will have the choice to attend either school district for the duration of their elementary school education.
5. All parties agree that in the event Sausalito institutes parcel taxes assessed against parcels in the current Tennessee Glen subdivision the revenues from those taxes shall be subject to further discussions between the parties, with mediation under the auspices of the Marin County Superintendent of Schools, if the parties are unable to resolve the issue.
6. It is the intent of both school districts to extend the agreement on an annual basis, but both school districts recognize that current law limits the duration of interdistrict attendance agreements to five years.
7. It is the intent of all parties that those funds composed of the developer fees and the fees in lieu of parcel taxes and all other fees paid by the developer presently held in escrow, shall be paid to Mill Valley as soon as possible after execution of this Agreement.
8. Nothing in this Agreement shall preclude the parties from continuing to discuss other options for resolving all issues of concern to the residents of the current Tennessee Glen subdivision.

Mill Valley School District *

[Redacted Signature]

Signature

4. 6. 00

Date

Sausalito School District *

[Redacted Signature]

Signature

4/6/00

Date

Petitioner **

[Redacted Signature]

Signature

4/6/00

Date

* Subject to approval by the governing board.

** Subject to approval by the Tennessee Glen residents (and as to No. 7 the Tennessee Glen Corporation).

ATTACHMENT 10
2000 04 06 Tennessee Glen – MVSD – SSD Agreement
page three of three

Attest:



Marin County Superintendent of Schools

4-6-00
Date



Approved as to Legal Form

4-6-00
Date

ATTACHEMENT 11
Public School Enrollment
page one of two

	Address	MVSD Students	SMCD Students
2012-2013	401 Headlands Avenue	0	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	0	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	2	0
	408 Tennessee Glen Way	0	0
	409 Tennessee Glen Way	0	0
2013-2014	401 Headlands Avenue	0	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	0	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	1	0
	408 Tennessee Glen Way	0	0
	409 Tennessee Glen Way	0	0
2014-2015	401 Headlands Avenue	0	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	0	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	1	0
	408 Tennessee Glen Way	1	0
	409 Tennessee Glen Way	0	0
2015-2016	401 Headlands Avenue	1	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	1	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	1	0
	408 Tennessee Glen Way	1	0
	409 Tennessee Glen Way	0	0
2016-2017	401 Headlands Avenue	1	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	1	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	0	0
	408 Tennessee Glen Way	2	0
	409 Tennessee Glen Way	0	0

ATTACHEMENT 11
Public School Enrollment - 2012 - 2022
page two of two

	Address	MVSD Students	SMCD Students
2017-2018	401 Headlands Avenue	2	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	2	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	0	0
	408 Tennessee Glen Way	3	0
	409 Tennessee Glen Way	1	0
2018-2019	401 Headlands Avenue	2	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	2	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	0	0
	408 Tennessee Glen Way	3	0
	409 Tennessee Glen Way	2	0
2019-2020	401 Headlands Avenue	2	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	2	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	0	0
	408 Tennessee Glen Way	3	0
	409 Tennessee Glen Way	2	0
2020-2021	401 Headlands Avenue	2	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	2	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	0	0
	408 Tennessee Glen Way	3	0
	409 Tennessee Glen Way	2	0
2021-2022	401 Headlands Avenue	1	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	0	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	0	0
	408 Tennessee Glen Way	3	0
	409 Tennessee Glen Way	3	0

ATTACHMENT 12
01 27 2020 MVSD Email

From: Kimberly Berman <kberman@mvschools.org>
Subject: Interdistrict agreement
Date: January 27, 2020 at 9:45:14 AM PST
To: [REDACTED]
Cc: Sarena Fairrington <sfairrington@mvschools.org>

Dear [REDACTED]

I am available to speak to you on the phone or in person today. My assistant, [REDACTED] email here: [REDACTED] and phone number here: [REDACTED] is available to schedule a time for us.

This email is to share with you information related to an [existing interdistrict attendance agreement](#) (item J.8 in the link) with Sausalito Marin City School District (SMCSD) which is set to expire in June of this year. SMCSD was part of a [settlement agreement with the California State Attorney General](#) (page 14 in the link) on August 8, 2019:

"During the judgement, the [SMCSD] District shall not enter or renew interdistrict attendance/transfer agreements with other school districts which treats In-District Students differently on the basis of place of residency within the District. Regarding the existing interdistrict attendance agreement between the Mill Valley School District and the [SMCSD] District, the District [SMCSD] may not renew or reestablish this Agreement."

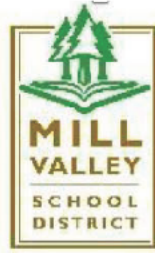
This information does not affect your child's enrollment in Mill Valley School District for the remainder of the 2019-20 school year. However, the agreement referenced above expires in June of this year and is unable to be renewed or reestablished.

I am available to meet with you to discuss this further. Please reach out to [REDACTED] [REDACTED] to schedule a time that works well for you.

Yours in Education,

Dr. Kimberly Berman
Superintendent
Mill Valley School District

ATTACHMENT 13
02 20 2020 IDT Letter



Administrative Office
411 Sycamore Avenue
Mill Valley, California 94941
tel (415) 389-7700
fax (415) 389-7773

February 20, 2020

Mr. & Mrs. Jay Courant
[REDACTED]

Dear Mr. & Mrs. Courant,

We understand your desire to ensure your children's enrollment in Mill Valley School District for the upcoming school year. As a follow-up to our meeting, an interdistrict transfer will need to be completed for [REDACTED] and [REDACTED] to continue enrollment in the MVSD for the 2020-21 school year.

To begin the process, you must first apply for the request and complete the required paperwork from Sausalito Marin City School District (SMCSD). The Marin City school district office is located at 200 Phillips Dr, Sausalito. Once SMCSD approves the interdistrict transfer request, they will forward the form to Mill Valley School District (MVSD) for approval.

Once the form is received by MVSD from SMCSD, we will promptly inform you of the approval for [REDACTED] and [REDACTED]'s enrollment for 2020-21 in our district. The request will be for one-year in duration and will need to be renewed on an annual basis.

Please contact our office if you have any questions.

Sincerely,

[REDACTED]

Dr. Kimberly Berman, Superintendent
Mill Valley School District

ATTACHMENT 14
Education Code 48900 Section 46600(a)(1)

California Code, Education Code - EDC § 46600

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[Next » \(https://codes.findlaw.com/ca/education-code/edc-sect-46600-1.html\)](https://codes.findlaw.com/ca/education-code/edc-sect-46600-1.html)

(a)(1) The governing boards of two or more school districts may enter into an agreement, for a term not to exceed five school years, for the interdistrict attendance of pupils who are residents of the school districts. The agreement may provide for the admission to a school district other than the school district of residence of a pupil who requests a permit to attend a school district of proposed enrollment that is a party to the agreement and that maintains schools and classes in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, to which the pupil requests admission. Once a pupil in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, is enrolled in a school pursuant to this chapter, the pupil shall not have to reapply for an interdistrict transfer, and the governing board of the school district of enrollment shall allow the pupil to continue to attend the school in which he or she is enrolled, except as specified in paragraphs (2) and (4).

(2) The agreement shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. The agreement may contain standards for reapplication agreed to by the school district of residence and the school district of enrollment that differ from the requirements prescribed by paragraph (1). The agreement may stipulate terms and conditions established by the school district of residence and the school district of enrollment under which the permit may be revoked.

(3) The designee of the superintendent of the school district of residence shall issue an individual permit verifying the school district's approval, pursuant to policies of the governing board of the school district and terms of the agreement for the transfer. A permit shall be valid upon concurring endorsement by the designee of the governing board of the school district of proposed enrollment. The stipulation of the terms and conditions under which the permit may be revoked is the responsibility of the school district of enrollment.

(4) Notwithstanding paragraph (2), a school district of residence or school district of enrollment shall not rescind existing transfer permits for pupils after June 30 following the completion of grade 10, or for pupils in grade 11 or 12.

ATTACHMENT 15

**03 10 2020 Nielsen Merksamer to Superintendent Mary Jane Burke, Marin County
Superintendent of Schools**

page one of five



**POLITICAL &
GOVERNMENT**

**LAW
ADVOCACY
LITIGATION**

March 12, 2020

VIA PDF E-MAIL, FACSIMILE & 1ST CLASS MAIL

Ms. Mary Jane Burke
Marin County Superintendent of Schools
1111 Las Galinas Avenue
San Rafael, CA 94903

Re: **Tennessee Glen Families**

Dear Superintendent Burke:

We write on behalf of ten households (the "Residents") in the Tennessee Glen neighborhood of Mill Valley (the "Neighborhood") to request your assistance in resolving a misunderstanding regarding the longstanding Agreement under which they have had the choice to enroll their children in the Mill Valley School District ("MVSD") or the Sausalito Marin City School District ("SMCSD"). As the administrations of both elementary districts are new, our goal is to remove the cloud of uncertainty regarding the right of the Residents' children to complete their education at MVSD schools and the viability of the Agreement, as discussions at the district-level have not been conclusive.

Background

As you well know, the Residents and leaders of MVSD and SMCSD have worked collaboratively and in good faith for more than twenty years to achieve a reasonable resolution to the quirk of geography and map-drawing that leaves the Neighborhood outside of the boundaries of MVSD. Absent this cooperative effort, the Residents' children would attend schools far from the Neighborhood, in a different city and zip code and separated from it by a highway, rather than schools directly adjacent to and within walking distance of the Neighborhood.

Prompted by the desire to resolve this illogical circumstance, in 2000 the Residents filed a petition to transfer territory pursuant to Education Code Section 35721 with the Marin County Committee on School District

SAN FRANCISCO BAY AREA
2350 KERNER BLVD, SUITE 250
SAN RAFAEL, CA 94901
T 415.389.6800 F 415.388.6874

SACRAMENTO
1415 L STREET, SUITE 1200
SACRAMENTO, CA 95814
T 916.446.6752 F 916.446.6106

NMGOVLAW.COM

ATTACHMENT 15

**03 10 2020 Nielsen Merksamer to Superintendent Mary Jane Burke, Marin County
Superintendent of Schools**

page two of five

Ms. Mary Jane Burke

March 12, 2020

Page 2

Organization.¹ Following advice from your office, and negotiations with the relevant parties, the Residents agreed to withdraw the petition in exchange for agreement among the parties that the Residents may choose which school their children would attend. Under the Agreement, signed on April 6, 2000, the Residents' children have had the choice to attend MVSD or SMCS D schools for the past twenty years.

In addition to agreeing to withdraw the territory transfer petition, the Residents have paid substantial financial consideration to implement the Agreement. First, in 2000, the Residents (through the developer of the Neighborhood) paid the equivalent of developer fees of \$71,967.80 to MVSD, in recognition of the costs to be borne by MVSD as a result of increasing its student population.² Second, since at least 2003, the Residents (all of the households, including those that do not have students enrolled in MVSD schools) have paid annual parcel taxes, as part of their property tax bills, to support schools in the MVSD. The Residents agreed to apply these taxes to their parcels at the request of then-MVSD Superintendent Barbara Young as consideration for the implementation of the Agreement among the parties. The Residents will have paid \$13,119.80 in MVSD parcel taxes for the 2019/2020 tax roll year, and more than \$200,000 in total parcel taxes since 2003. Of course, the Residents continued to pay all tax obligations to SMCS D as well.

As of this writing, four of the households in the Neighborhood currently have students enrolled in MVSD, with one additional household due to consider enrollment options in the near future. For obvious reasons, the parents of school-age children have substantial concerns with the prospect that their children will be uprooted from their MVSD schools in the middle of their education and that the Agreement will not be honored.

The Residents have received unclear and confusing signals from MVSD and SMCS D regarding the status of the Agreement and the enrollment options of school-age children. The concerns apparently arise out of a stipulated judgment that SMCS D negotiated with the California Attorney General in *State of California v. Sausalito Marin City School District*. In late January, the Residents with children attending MVSD schools received an email from the District, stating that the Agreement "expires in June of this year and is unable

¹ The boundaries of MVSD historically included the Neighborhood but were adjusted based on a proposed development that was never executed.

² See generally Ed. Code § 17620; Gov. Code § 66001.

ATTACHMENT 15

**03 10 2020 Nielsen Merksamer to Superintendent Mary Jane Burke, Marin County
Superintendent of Schools**

page three of five

Ms. Mary Jane Burke

March 12, 2020

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to be renewed or reestablished.” Troublingly, the email did not reassure the families that children currently attending MVSD schools would be able to finish their educations without interruption. In addition, the Residents who pay parcel taxes to MVSD and do not have children currently enrolled in MVSD schools have not received any communication regarding the situation from either district. After meeting with the MVSD superintendent and expressing their concerns, the families received a response from the District, stating that they would need to individually request approval from both SMCS and MVSD on an annual basis. The correspondence did not recognize the Agreement among the parties or the reasonable, indeed statutory imperative that children should not be uprooted in the middle of their educations. In recent discussions with the superintendents, the Residents have been advised that their best option is to file a petition to transfer territory, the very same procedure that the Residents agreed to forego in order to resolve their concerns decades ago. This matter has come full circle.

The Residents recognize that the Attorney General and SMCS have recently executed a stipulated judgment before the San Francisco County Superior Court to resolve longstanding issues regarding practices in SMCS schools. Neither the Residents nor MVSD are parties to that action, and the validity of their Agreement is not implicated. In addition, the Residents never received notice of that judicial process, which the Districts appear to believe supersedes the Agreement.

Given these various equities and considerations, the Residents seek to work with your office to achieve a fair and responsible solution.

Discussion

1. The Families Have a Clear Statutory Right to Continue Their Children’s Educations at MVSD Schools

State law clearly recognizes the importance of consistency and certainty for the education of school-age children. Section 46600 of the Education Code provides that once a pupil enrolls in transitional kindergarten, kindergarten, or any grades 1 to 12, inclusive, pursuant to an inter-district transfer agreement, the family “**shall not** have to reapply for an interdistrict transfer, and the governing board of the school district of enrollment **shall allow** the pupil to continue to attend the school in which the pupil is enrolled.” (Emphasis added). The Agreement in this case not only contemplates inter-

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district transfers among the choices permitted to the Residents, the Residents have paid substantial good and valuable consideration for the Agreement. This rule is consistent with academic research regarding the effects of school moves on children and the Legislature's clearly stated preference for continuity in the school attended by a pupil.³ The plain text of the statute does not permit MVSD to restrict currently enrolled students from continuing to attend the schools in which they are enrolled, nor to require parents to reapply on an annual basis.

2. The Residents Have a Contractual Right to the Continued Vitality of their Agreement

The Residents have contractual rights under the Agreement. In exchange for withdrawing their petition to transfer territory and for paying developer fees and parcel taxes to MVSD, they received the consent of MVSD and SMCSd to select the district in which to enroll their children. It is evident that this Agreement was accepted by all parties, that consideration was furnished, and that the parties had a "meeting of the minds" about what the Agreement entails. There is overwhelming evidence of this fact in the parties' uninterrupted adherence to the terms of this Agreement over the past twenty years. MVSD may not unilaterally breach the Agreement, the elements of which it negotiated in good faith with the Residents.

3. The Stipulated Judgment Does Not Abridge State Law or Permit MVSD to Nullify a Valid Agreement with the Residents

As a matter of law, the stipulated judgment between the Attorney General and SMCSd does not modify obligations set forth in state law or alter the contractual rights and obligations of persons who were not parties to that judgment.⁴

Here, the stipulated judgment (as it is being construed by MVSD) threatens to run afoul of the key principles set forth above. First, it would violate the clear statutory language in Section 46600 of the Education Code by impermissibly requiring families with pupils enrolled in MVSD schools to

³ See generally Ed. Code §§ 8974, 48308(d).

⁴ See generally *Carlson v. Eassa* (1997) 54 Cal.App.4th 684, 691-92; *Plaza Hollister Ltd. Partnership v. County of San Benito* (1999) 72 Cal.App.4th 1, 21 [stipulated judgment that a court has no authority to grant is not valid]; *Vitatech Internat., Inc. v. Sporn* (2017) 16 Cal.App.5th 796, 807-08; *Reed v. United Teachers Los Angeles* (2012) 208 Cal.App.4th 322, 333 [settlements may not "dispose of the claims of a non-consenting third party"].

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“reapply” on an annual basis. The statute clearly forbids such an outcome, barring school districts from requiring families to reapply and mandating that the district “shall allow the pupil to continue to attend the school in which the pupil is enrolled.”

Second, the interpretation applied by MVSD would result in the judgment violating the contractual rights validly obtained by the Residents. In requiring a breach of a valid agreement, the judgment would be clearly contrary to public policy. Further, to do so without affording the Residents notice and an opportunity to contest the judgment would deprive the Residents of their due process rights.

Next Steps

We believe there are several potential approaches that would preserve the statutory and contractual rights of the Residents. The Residents would welcome the opportunity to discuss these with you, and we would welcome the participation of the Districts. In the alternative, if the best approach is a territory transfer, we would like to discuss your views of that process as a solution and under what parameters.

* * * * *

We will be in touch with your office so schedule a meeting with you to discuss these issues.

Sincerely yours,

Marguerite Mary Leoni

David J. Lazarus

ATTACHMENT 16

3 26 2020 GLindsey Deputy AG CA DOJ to MVSD-SMCSD-MCOE

From: Garrett Lindsey
To: Kimberly Berman; David A. Soldani; Itoco Garcia; Mary Jane Burke; Robert Henry; Terena Mares; Sue Ann Salmon Evans; Christine Chuang
Subject: Regarding Tennessee Glen/Woods Discussion at 1PM 3/26/2020
Date: Thursday, March 26, 2020 2:56:35 PM

Hello everyone,

I write to follow up on the call we had at 1 to 1:30 PM regarding our office's view of the meaning of Section VI of the Stipulated Judgment in *People ex rel. Becerra v. Sausalito Marin City School District*.

First, our office's view is that Section VI does not generally prohibit the establishment of an interdistrict attendance agreement between the Mill Valley School District and the Sausalito Marin City School District outside the parameters of the specific restriction set forth in that section.

Second, as we previously indicated, our office's view is that Section VI does not prohibit the establishment of an interdistrict attendance agreement that gives preference to students residing in Sausalito Marin City School District already enrolled at a Mill Valley School District school in the previous year, or students with siblings enrolled at Mill Valley School District in the current year or previous year.

Lastly, as discussed today, our office's view is that Section VI does not prohibit an interdistrict attendance agreement that gives preference to students residing in Sausalito Marin City School District on the basis of their residence's assessment of a parcel tax that was directed towards the Mill Valley School District.

Sincerely,

Garrett M. Lindsey
Deputy Attorney General
Bureau of Children's Justice
California Department of Justice
300 S. Spring St., Ste. 1702
Los Angeles, CA 90013
Telephone: (213) 269-6402
E-mail: garrett.lindsey@doj.ca.gov

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ATTACHMENT 17
Tennessee Glen letter 04 28 2020



Administrative Office
411 Sycamore Avenue
Mill Valley, California 94941
tel (415) 389-7700
fax (415) 389-7773

April 28, 2020

Consistent with the terms of the 2000 Tennessee Glen Agreement, this letter confirms that Tennessee Glen families in Mill Valley who pay parcel taxes benefiting Mill Valley School District shall be able to enroll their children in Mill Valley School District ("District") schools for the 2020-21 school year and for the duration of their K-8 educations. Students currently enrolled in District schools shall be automatically enrolled for the 2020-21 school year and for the duration of their K-8 educations. This means that families in the Tennessee Glen neighborhood will not need to apply for interdistrict transfers to enroll their children in District schools.

The foregoing is consistent with the California Attorney General's email communication of March 26, 2020 regarding this matter, and it is the District's understanding that the Sausalito Marin City School District ("SMCSD") does not object to this arrangement.

Regards,


Dr. Kimberly Berman, Superintendent
Mill Valley School District

ATTACHMENT 18

10 1 2022 Tennessee Glen Re-districting – AG response



Pam Keon

Sent - PRKiCloud October 11, 2022 at 3:21 PM

Tennessee Glen Re-districting - AG's response

[Hide](#)

To: Itoco Garcia,

Cc: tmares@marinschools.org, Jon Lenz, Kimberly Berman, Todd May, Emily Uhlhorn, Ida Times, Bonnie Hough, Phyllis Gardner

Hi Everyone -

We are very pleased to be able to report back to you about our meeting with the California Attorney General's office.

Phyllis and I met today with Deputy Attorney General Garrett Lindsey, Supervising Deputy Attorney General Christine Chuang, and a third Deputy Attorney whose name neither of us were able to get.

This was a very helpful and productive meeting, and we hope that the information we learned will be helpful to all of you as well.

As you know, in March 2020 the AG's office responded to questions about Section VI of the August 2019 judgment concerning SMCS and the establishment of interdistrict enrollment agreements. Based on the AG's opinion about those agreements our children have remained enrolled in MVSD.

In our discussion today, the AG's office made a clear distinction between the 2020 questions regarding the enrollment agreements and the current question of a territory transfer. The AG's office is unequivocal that any territory transfer is outside of the scope of the 2019 judgment and therefore any question about such a transfer is not germane to that judgment.

We followed up with multiple questions in order to ensure our understanding, and the response was consistent that there is no opinion on our petition or our intention to submit a petition because it is not within the scope of the 2019 judgment. As a result, the Tennessee Glen community is free to continue to move forward with the re-districting process.

We know that this question has been foremost in many minds, and are pleased to be able to have this finally settled.

We've very much appreciated being able to meet with the superintendents and board leadership from both districts, and are ready to move forward with our petition. Although we continue to believe that a joint meeting with Terena and Jon would be constructive, we also want to be sensitive to using everyone's time as efficiently as possible. We welcome any further questions or suggestions from any of you, and plan to move forward in the absence of any additional input or a joint meeting.

You have each and all been very generous with your time and willingness to hear our story and to share your perspectives, and we really appreciate all of your support. Again, please be in touch with any further thoughts - they are warmly welcome.

Thank you very much,

Pam

ATTACHMENT 19**Projected Public School Enrollment 2022 – 2027**

	Address	MVSD Students	SMCD Students
2022-2023	401 Headlands Avenue	0	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	0	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	0	0
	408 Tennessee Glen Way	3	0
2023-2024	409 Tennessee Glen Way	3	0
	401 Headlands Avenue	0	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	0	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	0	0
2024-2025	408 Tennessee Glen Way	2	0
	409 Tennessee Glen Way	3	0
	401 Headlands Avenue	0	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	0	0
	406 Tennessee Glen Way	0	0
2025-2026	407 Tennessee Glen Way	0	0
	408 Tennessee Glen Way	2	0
	409 Tennessee Glen Way	3	0
	401 Headlands Avenue	0	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	0	0
2026-2027	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	0	0
	408 Tennessee Glen Way	1	0
	409 Tennessee Glen Way	3	0
	401 Headlands Avenue	0	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0
	404 Tennessee Glen Way	0	0
	405 Tennessee Glen Way	0	0
	406 Tennessee Glen Way	0	0
	407 Tennessee Glen Way	0	0
	408 Tennessee Glen Way	0	0
	409 Tennessee Glen Way	2	0
	401 Headlands Avenue	0	0
	400 Tennessee Glen Way	0	0
	402 Tennessee Glen Way	0	0
	403 Tennessee Glen Way	0	0

Agenda Item 5e:

Mill Valley School District Statement



Administrative Office
411 Sycamore Avenue
Mill Valley, California 94941
tel (415) 389-7700
fax (415) 389-7773

The following statement was read at the public hearing on December 5, 2022. It is submitted to the committee on behalf of Dr. Kimberly Berman, Superintendent, Mill Valley School District.

Regardless of the decision related to the Territory Transfer, the district intends to ensure continuation in Mill Valley School District for students from Tennessee Glen currently enrolled in our schools. This assurance is consistent with the terms of the 2000 Tennessee Glen/Woods Agreement, and a letter that was sent to families in spring of 2020 as follows:

“Tennessee Glen families in Mill Valley who pay parcel taxes benefiting Mill Valley School District shall be able to enroll their children in Mill Valley School District schools for the 2020-21 school year and for the duration of their K-8 education. This means that families in the Tennessee Glen neighborhood will not need to apply for interdistrict transfers to enroll their children in District schools. The foregoing is consistent with the California Attorney General’s email communication of March 26, 2020 regarding this matter, and it is the District’s understanding that the Sausalito Marin City School District does not object to this arrangement.”

MVSD collects parcel taxes from these properties annually. This year's total amount collected is \$12,507.40. There are no current exemptions at this time. These addresses/parcels do not pay basic (property) taxes in MV nor do they pay MVSD's General Obligation bonds.

As a district, we have not yet taken any position on a territory transfer. For the Mill Valley School District Board to collectively take a position, this would need to occur in a public meeting, agendaized for discussion by our Board of Trustees and would be open to the public for comment and to listen to the discussion. Following the public hearings, we look forward to clear direction from your committee of any additional steps you wish for our district to take on the matter.