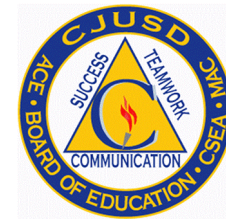


Colton Joint Unified School District

Frank Miranda, Ed.D., Superintendent



Commitment to Equal Opportunity

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VIA EMAIL

San Bernardino County Committee on School District Organization
Dennis Mobley, Interim Acting Secretary
601 North E Street
San Bernardino, CA 92415

Re: City of Loma Linda Petition to Transfer Territory from Colton Joint Unified School District to Redlands Unified School District ("Petition")/Preliminary Hearing Pursuant to Education Code §35721

Dear Members of the San Bernardino County Committee on School District Organization and Mr. Mobley:

The Colton Joint Unified School District ("CJUSD") is in receipt of the Reorganization Feasibility Study ("Study") dated December 1, 2022 prepared by School Services of California for the San Bernardino County Committee on School District Organization ("County Committee").

CJUSD is extremely proud of our educational programs and student achievement in our district. We are concerned that there is a community of families that feels disenfranchised from our district and what it offers that it would invest the time and energy in pursuing a permanent transfer of territory to a neighboring district. This Petition has made us aware of the apparent discontent that this neighborhood feels and has provided an opportunity for us to do some listening and problem solving with the Laurel Heights neighborhood. And we certainly intend to do that.

Notwithstanding the interest of the petitioners in pursuing this proposal, the Petition fails to provide a compelling educational basis sufficient to impose reorganized boundaries on CJUSD to its detriment. CJUSD disagrees that the legal criteria are fully met by the Petition, and in any event urge the County Committee to use its discretionary authority to end further review of the Petition at the conclusion of the preliminary hearing and allow us to work with the City and Laurel Heights neighborhood to see if alternative options for resolution will address their concerns.

We believe that the County Committee should not set a precedent of permitting a city to seek a territory transfer based on a desire of their residents to be served by a single school district. It is commonplace in California for single school districts to cut across numerous city and county jurisdictions. Currently, CJUSD serves the residents of portions of 7 cities and Redlands USD serves 6; if coordination of service areas were an important consideration for school district boundaries, most of CJUSD would not exist and the same would be true for hundreds of school districts in California.

Preliminary Basis for Opposition

1. Procedural Errors / Timeline

The County Committee has chosen to hear this matter only three (3) business days after delivering a complex, 66-page report on a topic of this magnitude that reaches a set of conclusions to CJUSD's detriment. The timing has left CJUSD limited opportunity to absorb and respond to its findings, verify the accuracy of the information presented and meet with the Board of Education. Please note that we reserve the right, should the County Committee vote to grant the Petition, to supplement the record with a thorough analysis and rebuttal of the details contained in the Study.

Our concerns are compounded by the fact that as it is, the required legal process has not been followed for the Petition. Because the Petition was submitted by a city, the County Committee was required by law to hold a preliminary hearing *before engaging in a study of the impact of the reorganization* and only upon a vote by the County Committee to grant the Petition. Yet on February 23,

2022, the County Committee held a public hearing that it acknowledged did not meet the requirements for a preliminary hearing and failed to agendaize action by the County Committee to grant or deny the Petition. The participants were promised a rescheduled hearing with action (and presumably discussion) by the County Committee which would have provided guidance and insight into the basis for the decision; instead, without any evident approval, discussion or direction from the County Committee or a vote in favor of the reorganization, the Study was prepared anyway, signaling that the County Committee is predisposed to granting the Petition. In the absence of the County Committee's tentative recommendation in favor of the Petition and associated discussion which the public was entitled to hear, the Study was not properly authorized. Holding a preliminary hearing now does not address or correct this procedural error.

2. Study Conclusions/Financial Impacts

As stated in our correspondence dated February 23, 2022, the Petition presents a range of negative impacts on CJUSD which may be minimal standing alone but open the door to future territory transfer requests that in the aggregate could be devastating. In addition to the obvious loss of operating revenue without any offset in expenses associated with educating the children who reside in the transfer area, the transfer would result in the remaining residents in CJUSD shouldering a higher tax repayment burden for CJUSD's outstanding general obligation bonds because the residents of the transfer area would no longer have a repayment responsibility for CJUSD's outstanding general obligation bonds. This issue is not daylighted or addressed at all in the Study's consideration of whether the debt held by CJUSD can be fairly divided between the two districts.

However, one of the most prominent errors contained in the Study is the conclusion that Criterion #3 ("The proposal will result in an equitable division of property and facilities of the original district") has been substantially met, even while noting that by law the CFD territory cannot be transferred to Redlands and the tax must continue to be collected by CJUSD for the benefit of CJUSD. As CJUSD noted in its original correspondence, if a territory transfer is approved, there is no legal mechanism to ensure that tax collections can remain in place as required by law, thus placing CJUSD in legal jeopardy for failing to meet its bond covenants. The County's legal counsel confirms our original conclusion that there is no mechanism that allows a portion of a CFD to be transferred from one school district to another and that the tax must continue to be levied on all taxpayers. Although some potential options are presented in the legal memorandum, all of them contain caveats, are speculative, or rely on the future action or agreement of persons or organizations who are not participants to this proceeding and whose approvals cannot be predicted. *There is no single option presented that can be accomplished with certainty or without the threat of a legal challenge, even if all the parties were to agree to do so.*

If the debt of CJUSD cannot be equitably divided with certainty and in a manner that does not subject CJUSD to legal liability, then the criterion cannot be determined by the County Committee to be met by the Petition. There is no rational basis to conclude otherwise.

3. No Compelling Educational Reason for Transfer

According to the California Department of Education ("CDE"), if the substantive criteria are not all met by a petition, the County Committee may not approve a territory transfer. And even if the criteria have been substantially met, the decision to grant a territory transfer is a discretionary act only and is not required to be approved. Furthermore, CDE has opined that even if all the substantive criteria are met by a petition, there should still be a compelling reason to grant a territory transfer, and it is recommended that a territory transfer not be granted if there is no compelling reason to do so. (See "*Discretionary Authority of the County Committee*," October 2021, at <https://www.cde.ca.gov/re/lr/do/districtorgpresentations.asp>)

The ability of the County Committee to exercise its discretion to deny a territory transfer even if the legal criteria are met makes sound policy sense, since small territory transfers almost always will meet the statutory criteria, leading to the erosion of school districts over time as a result of successive or cumulative territory transfers. This is especially the case if a city is granted its preference that its constituents all be served by a single school district. Please see Education Code section 35753, which is clear that a County Committee may, not must, grant a territory transfer when the criteria are met. This precedent should not be set for our district or any school district in San Bernardino County.

CJUSD is proud of the educational services that it provides to its communities and stands by the quality of education it affords to all children in our boundaries. Families that qualify for interdistrict transfer permits may attend schools in Redlands USD in accordance with that process, and as the Study makes clear, some children in the transfer area have availed themselves of that option. We believe that working directly with the Laurel Heights neighborhood to address their concerns and options is the best way forward.

Conclusion

CJUSD continues to have concerns regarding the Petition and its impacts on our district and community. The Petition does not meet the legal criteria for approval. We strongly urge the County Committee to deny the Petition at the conclusion of the December 7, 2022 preliminary hearing and take no further action on it.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Frank Miranda', written on a light blue background.

Frank Miranda, Ed. D., Superintendent