

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education September 2021 Agenda Item #05

## Subject

Appeal from an Action of the Riverside County Committee on School District Organization to Approve a Petition to Transfer Territory from the Coachella Valley Unified School District to the Desert Sands Unified School District.

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue(s)

The Riverside County Committee on School District Organization (County Committee) approved a petition to transfer territory from the Coachella Valley Unified School District (USD) to the Desert Sands USD. The Coachella Valley USD submitted an appeal to the California State Board of Education (SBE) from this County Committee action pursuant to California *Education Code* (*EC*) Section 35710.5.

The SBE may affirm or reverse the County Committee’s decision to approve the territory transfer proposal. If the SBE affirms the County Committee’s action, thus approving the territory transfer, it must establish the election area for final voter approval of the proposal.

## Recommendation

The California Department of Education (CDE) recommends that the SBE reverse the action of the County Committee to approve the proposal to transfer territory from the Coachella Valley USD to the Desert Sands USD.

## Brief History of Key Issues

The Riverside County Superintendent of Schools (County Superintendent) received a petition signed by at least 25 percent of the voters residing in the Bridge at Jefferson subdivision. The subdivision contains 124 parcels (37 acres) and is located in the city of Indio. The parcels are within the boundaries of the Coachella Valley USD. The petitioners request transfer of these parcels to the Desert Sands USD for the following reasons:

* District boundaries were established in 1964. The Bridge at Jefferson subdivision was farmland in 1964 and home construction did not begin until 2005. Travelling long distances to schools may be a “fact of life” for students in the Coachella Valley USD, but petitioners’ homes should not be part of the Coachella Valley USD community and it makes no sense for petitioners’ children to travel long distances when schools of the Desert Sands USD are much closer.
* No student from the neighborhood ever has attended the Coachella Valley USD, although the district continues to receive taxes generated by the petitioners’ property.
* Students should attend schools in communities with which they have the closest ties, in this case the cities of La Quinta and Indio, which are just across the street.
* Desert Sands USD average academic performance scores are well above those of the Coachella Valley USD.

After conducting public hearings in each affected school district and receiving recommendations from an independent consultant, the County Committee determined that all of the nine minimum threshold conditions of *EC* Section 35753(a) are substantially met.[[1]](#footnote-1) The County Committee subsequently took actions that led to the approval of the territory transfer proposal. Pursuant to *EC* Section 35710.5, the Coachella Valley USD submitted an appeal of this County Committee action. The district identified the following reasons for the appeal:

* The transfer would promote the racial/ethnic segregation of Coachella Valley USD students and impede the district’s ability to educate its students in an integrated environment.
* The petitioners’ primary purpose for the transfer petition is to increase the property values of their homes.
* The territory transfer, if approved, would increase state costs because additional territory transfers from the district would be fueled by the approval. This would erode the total assessed valuation (AV) of the district to the point that it would need to seek Financial Hardship Assistance from the state.[[2]](#footnote-2)
* Plans for a new school-site to serve the proposed transfer area would be threatened if other similar areas of the district transfer to the Desert Sands USD. This loss of territory and students could lead to relocation of the school, which will create a significant disruption to the district’s educational program.
* No valid local educational needs and concerns are addressed by the territory transfer.
* There are a number of concerns with local procedural issues regarding the County Committee’s review of the territory transfer proposal.

The CDE reviewed the entire administrative record provided by the County Superintendent including minutes and audio-recordings of public hearings and meetings, and information prepared for the County Committee, 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 complete analysis and resulting recommendations are contained in Attachment 1.

### CDE Findings and Recommendations

Below is a summary of the CDE’s findings and recommendations from Attachment 1, which the SBE may consider when making its decision:

1. The CDE concurs with the County Committee’s determination that all nine minimum threshold standards of *EC* Section 35753 are substantially met. The CDE performed separate analyses of the four standards the Coachella Valley USD addressed in its appeal. The CDE recommendations regarding these standards are:

* *EC* Section 35753(a)(4): *The reorganization 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*. Only one student from the proposed transfer area attended Coachella Valley USD during the 2019–20 school year. The CDE determines that the loss of such a small number of students will not have a negative effect on the Coachella Valley USD’s ability to educate students in an integrated environment—the CDE agrees with the County Committee and recommends that this standard is substantially met.
* *EC* Section 35753(a)(5): *Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.* The CDE finds that the loss of one student and the loss of less than one percent of AV should not require the Coachella Valley USD to seek Financial Hardship Assistance from the state —thus, the CDE recommends that this standard is substantially met.
* *EC* Section 35753(a)(6): *The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected districts*. Coachella Valley USD reports there is no current funding for the new school-site planned to serve the proposed transfer area—thus, this project has been shelved and the school’s potential relocation due to the territory transfer is removed as an educational program concern. The CDE recommends that this standard is substantially met.
* *EC* Section 35753(a)(8): *The proposed reorganization is primarily designed for purposes other than to significantly increase property values*. The CDE finds no evidence that the proposed territory transfer is designed **primarily** to increase property values. The CDE agrees with the County Committee and recommends that this standard is substantially met.

1. However, the CDE determines that there is no compelling reason to transfer the Bridge at Jefferson subdivision from the Coachella Valley USD to the Desert Sands USD. The CDE notes that:

* There is no rationale provided in the petition to support the proposed transfer of territory that addresses a compelling local educational reason or concern (*EC* Section 35500).
* The County Committee did not engage in any public consideration of local educational reasons or concerns to support its actions.

1. The CDE finds that approval of the current transfer could promote future transfers from the Coachella Valley USD to the Desert Sands USD based on:

* Previous efforts to transfer territory from the Coachella Valley USD to the Desert Sands USD.
* The lack of alignment among city and school district boundaries.
* The racial/ethnic and socio-economic disparities between the Coachella Valley USD and the Desert Sands USD.

Based on these findings, the CDE recommends that the SBE reverse the decision of the County Committee to approve the proposal to transfer territory from the Coachella Valley USD to the Desert Sands USD.

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

At its November 1994 meeting, the SBE reversed an action of the County Committee to approve transfer of a larger area (which included the territory of the Bridge at Jefferson subdivision). The SBE decision was based primarily on the negative financial effects of the proposed transfer on the Coachella Valley USD.

At that time, the CDE, in its role of State Administrator of the Coachella Valley USD,[[3]](#footnote-3) found that the territory transfer:

* Promotes segregation and would hinder the ability of the Coachella Valley USD to educate its students in an integrated environment.
* Was supported by local developers with an intent to increase property values in the proposed transfer area.
* Would result in negative financial effects for the Coachella Valley.

## Fiscal Analysis (as appropriate)

Affirming the action of the County Committee constitutes an order to the County Superintendent to call an election for the proposed territory transfer. Costs for this election will depend upon the timing of the election, the type of election, and the size of the election area established by the SBE. Election costs are borne by the county.

## Attachment(s)

**Attachment 1**: Analysis of Administrative Record (39 pages)

**Attachment 2**: Maps of Previous Attempts to Transfer Territory from the Coachella Valley Unified School District (3 pages)

# ATTACHMENT 1 Analysis of Administrative Record

**Appeal from an Action of the  
Riverside County Committee on School District Organization  
to Approve a Petition to Transfer Territory from the  
Coachella Valley Unified School District to the  
Desert Sands Unified School District**

## 1.0 Recommendation

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) reverse the action of the Riverside County Committee on School District Organization (County Committee) to approve a petition to transfer territory from the Coachella Valley Unified School District (USD) to the Desert Sands USD.

## 2.0 Background

### 2.1 Affected Districts

The Coachella Valley USD serves approximately 17,900 kindergarten through twelfth grade students in 14 elementary schools, three middle schools, three comprehensive high schools (including one charter high school), one 7–12 school, and a continuation high school. The Coachella Valley USD’s territory encompasses portions of the cities of Coachella, Indio, and La Quinta, as well as portions of unincorporated county territory.

The Desert Sands USD serves approximately 28,000 kindergarten through twelfth grade students in 19 elementary schools (including one charter elementary school), five middle schools (including one charter middle school), four comprehensive high schools, and a three continuation/alternative education schools. The territory of the district includes the city of Indian Wells, portions of the cities of Coachella, Indio, La Quinta, and Palm Desert, as well as portions of unincorporated territory in Riverside County.

The districts are located in the central Coachella Valley, surrounded by the San Jacinto and Santa Rosa Mountains to the southwest, the Little San Bernardino Mountains and Cottonwood Mountains to the northeast, and the Salton Sea to the south. Figure 1 depicts district territory that is in the vicinity of the proposed transfer area.

***Figure 1: Overview Map of Area Proposed for Transfer***



*Source: California Environmental Quality Act Initial Study* *for “Territory Transfer from Coachella Valley Unified School District to Desert Sands Unified School District” prepared for Riverside County Office of Education by PlaceWorks. School district boundaries are approximate and for reference purposes only.*

### 2.2 Student Racial/Ethnic Composition in Affected Districts

Table 1 contains the percentage of students in the most populous racial/ethnic categories of the California Longitudinal Pupil Achievement Data System (CALPADS) for each of the affected school districts. The largest racial/ethnic category in each district is “Hispanic or Latino.”

The Coachella Valley USD, with over 99 percent of its students in a CALPADS racial/ethnic category other than “White,” has the highest percentage of minority students among all school districts in Riverside County.

***Table 1: Percent Race/Ethnicity in Affected Districts***

| District\* | Hispanic or Latino | White | Other\*\* |
| --- | --- | --- | --- |
| Coachella Valley USD  (K–12 enrollment: 17,819) | 98.1% | 0.9% | 0.9% |
| Desert Sands USD  (K–12 enrollment: 27,505) | 74.9% | 18.4% | 6.7% |

*Source:* *2019*–*20 CALPADS*

*\* Students in the “Not Reported” CALPADS category are excluded from   
the enrollment figures and are omitted from all calculations for this table.*

\*\* *The “Other” category includes “African American,” “American Indian or  
Alaska Native,” “Asian,” “Filipino,” “Pacific Islander,” and “Two or More.”*

### 2.3 Territory Transfer Proposal

The proposed transfer area is a fully developed subdivision (known as the Bridge at Jefferson) located in the city of Indio. This subdivision, at about 37 acres in size, contains 124 single family homes. According to the California Environment Quality Act (CEQA) Initial Study prepared for the Riverside County Office of Education (COE), construction of the homes was completed in 2012.

The Bridge at Jefferson subdivision is located in the northwest corner of the Coachella Valley USD and, although located within in the city of Indio, borders the city of La Quinta. The subdivision’s northern boundary is Avenue 48 and its western boundary is Jefferson Street. Residential areas of the Coachella Valley USD form the eastern and southern boundaries of the subdivision.

A map showing the general location of the Bridge at Jefferson subdivision, relative to school district boundaries, is contained in Figure 1 (page 2 of this attachment).

The territory transfer petition, signed by at least 25 percent of the voters from the Bridge at Jefferson subdivision, includes the following reasons to support the transfer:

* The Coachella Valley USD serves a large area, including the city of Coachella and portions of the municipalities of Indio and Salton City (in Imperial County). The district accommodates a fast-growing population, which predominately is Hispanic (over 80 percent of students, excluding seasonal migrant laborers), and students from the city of Coachella are a large portion of the high school students.
* District boundaries were established in 1964, well before the growth in residential developments. The Bridge at Jefferson subdivision was farmland in 1964 and home construction did not begin until 2005. The subdivision is in the far northwest corner of the district. Although travelling long distances to schools may be a “fact of life” for students in the Coachella Valley USD, the Bridge at Jefferson subdivision is not part of the Coachella Valley USD community and it makes no sense for children in the subdivision to travel long distances when schools of the Desert Sands USD are much closer. The territory transfer will reduce travel time for students and allow greater opportunity for participation in extracurricular activities at school.
* No student from the subdivision ever has attended the Coachella Valley USD, although the district continues to receive taxes generated by the subdivision.
* Students should attend schools in communities with which they have the closest ties; in this case, that is La Quinta and Indio just across the street.
* Desert Sands USD’s average academic performance scores are well above those of the Coachella Valley USD.

### 2.4 Previous Transfer Proposals

The Coachella Valley USD, in response to the territory transfer petition, prepared an analysis of the proposal and its effects on the district. Part of this analysis was a recitation of the history of similar past proposals to transfer territory from the Coachella Valley USD to the Desert Sands USD. The following three proposals were described (maps of the territory in the three proposals are in Attachment 2):

#### 1985 Transfer of the Indian Palms Country Club Area

In 1985, approximately 640 acres of mostly undeveloped land, proposed for upscale residential development, was successfully transferred from the Coachella Valley USD (see Figure 1, Attachment 2). According to the district, this area developed into “high priced homes with a high concentration of non-Hispanic students” (about 85 percent) by 1990.

#### 1994 Proposed Transfer

In 1994, the County Committee approved a proposal to transfer another approximately 640 acres of mostly undeveloped territory from the Coachella Valley USD to the Desert Sands USD. This proposal contained the territory on which the current Bridge at Jefferson subdivision is located (see Figure 2, Attachment 2). During local consideration of the territory transfer proposal, the CDE and its appointed State Administrator argued that the territory transfer be disapproved because it: (1) promoted racial/ethnic segregation; (2) was driven by developers’ desire to increase property values; and (3) would have negative financial effects on the Coachella Valley USD. [[4]](#footnote-4)

The County Committee’s approval of the territory transfer was appealed to the SBE. After considering the SBE staff analysis and recommendations, the SBE found that the proposed transfer would have substantial negative fiscal effects on the Coachella Valley USD and voted to reverse the approval of the County Committee, thus preventing the territory transfer from occurring.

#### 1998 Proposed Transfer

A third proposal to transfer territory from the Coachella Valley USD to the Desert Sands USD was considered by the County Committee in 1998. This proposal to transfer approximately 2,600 acres contained all the territory of the previous (1994) proposal, including the area that is now the current Bridge at Jefferson subdivision (see Figure 3, Attachment 2).

An analysis of this 1998 territory transfer proposal which was prepared for the County Committee by an independent consultant, recommended that the transfer ultimately would result in a significant loss of assessed valuation and bonding capacity, which could remove local options for the Coachella Valley USD to provide the school facility financing necessary to address future student population growth. The lack of local options means that the district would remain dependent on the state for hardship funding. The County Committee disapproved the transfer proposal; this action was not appealed to the SBE by the petitioners.

## 3.0 Action of the County Committee

The County Committee held two public hearings for the proposed transfer of territory; one within the boundaries of the Coachella Valley USD and one within the boundaries of the Desert Sands USD. The County Superintendent contracted with an independent consultant to prepare analyses and recommendations regarding the proposal for the County Committee’s consideration. Under the California *Education Code* (*EC)*, the County Committee had the following options:

* If the County Committee determined that all nine minimum threshold standards of *EC*Section 35753(a) are substantially met, it could approve the petition (though not required to do so).
* The County Committee could disapprove the petition to transfer territory for other concerns even if it finds that all nine conditions of *EC* Section 35753(a) have been substantially met.
* If the County Committee determined that all nine minimum threshold standards of *EC*Section 35753(a) are not substantially met, it would be required to disapprove the petition to transfer territory.

The County Superintendent’s independent consultant recommended that all of the minimum threshold standards are substantially met. The County Committee subsequently found (on a 7–1 vote) that the proposal substantially meets all *EC* Section 35753 minimum threshold standards.[[5]](#footnote-5)

Chief petitioners or affected school districts may appeal County Committee decisions on territory transfers for issues of noncompliance with the provisions of *EC* sections 35705, 35706, 35709, 35710, and 35753(a). The Coachella Valley USD submitted such an appeal to the County Superintendent, who subsequently transmitted the appeal, along with the complete administrative record of the County Committee action, to the SBE.

## 4.0 Positions of Affected School Districts

### 4.1 Coachella Valley USD

The Coachella Valley USD is opposed to the transfer of territory proposal and is the appellant in this matter. As such, the district’s positions are contained in Section 5.0 of this attachment (Reasons for the Appeal).

### 4.2 Desert Sands USD

The Desert Sands USD has adopted a “neutral” position regarding the proposed territory transfer, stating to the County Superintendent that “it neither supports nor opposes the proposal.”

## 5.0 Reasons for the Appeal

The Coachella Valley USD appeals the County Committee’s decision to approve the transfer for the following reasons:

### 5.1 Promotion of Racial/Ethnic Segregation

The Coachella Valley USD states that its students are 99.1 percent ethnically non-White, while 15 of the 17 students residing in the Bridge at Jefferson subdivision are White. The transfer area contains 124 newer, upscale homes, which the district projects will house 80 students according to its student generation factors.

The district argues that the fact that all of the transfer area’s 17 students attend the Desert Sands USD on interdistrict transfers is irrelevant since the primary issue here is the removal of an upscale housing development from its territory. Removal of this upscale community encourages “white-flight” from the Coachella Valley USD.

The Coachella Valley USD states that the transfer of the territory, even if only half of the 80 projected students in that area are White, would increase the current 99.1 percent ethnically non-White student composition of the district to 99.3 percent. The district believes any change in the ethnic makeup of its student population that moves it closer to 100 percent non-White promotes segregated schools, which the California Supreme Court has defined as “schools in which the minority student enrollment is so disproportionate as realistically to isolate minority students from other students and thus deprive minority students of an integrated educational experience.”

### 5.2 Primary Purpose is to Increase Property Values

The Coachella Valley USD cites the higher test scores of the Desert Sands USD as one of the primary reasons stated by the petitioners for the transfer of their homes. However, the Coachella Valley USD notes that, even if each of the 17 students from the territory resides in a separate house, only 14 percent of the homes have an educational interest in the petition, while more than 25 percent of the voters in the area signed the petition. This discrepancy demonstrates that more Bridge at Jefferson residents are interested in leaving the Coachella Valley USD than have an educational interest in the transfer. Thus, the Coachella Valley USD believes it is more likely that a potential increase in property values is the primary reason for the proposed territory transfer.

### 5.3 Increased State Costs

The current transfer proposal is the latest of multiple efforts to remove territory from the Coachella Valley USD. The district believes that other similar areas of the district will seek transfers if the current proposal is successful. This continual loss of territory from the district will erode the total assessed valuation of the Coachella Valley USD and cause the district to reach its bonding capacity. The district then will need to seek Financial Hardship Assistance from the state[[6]](#footnote-6), which increases state costs.

### 5.4 Significant Disruption to Educational Programs

The Coachella Valley USD already has architectural plans approved for a new school-site that will serve the proposed transfer area. Again, the Coachella Valley USD believes that other similar areas of the district will seek transfers if the current proposal is successful. The loss of territory in the current proposal as well as from future proposals likely will lead to the relocation of the new school, which will create a significant disruption to the educational program of the district.

### 5.5 No Valid Educational Need or Concern

The Coachella Valley USD notes that *EC* Section 35500 states the intent of the California Legislature is that school district reorganizations are to be based on “local educational needs and concerns.” Petitioners state that a primary reason for the transfer is to move to a district (Desert Sands USD) with higher test scores. All students in the petition area already attend the Desert Sands USD on interdistrict transfers. The Coachella Valley USD argues that the transfer will have no effect on students from the neighborhood and, therefore, no “local educational needs and concerns” are addressed.

### 5.6 Procedural Issues

The Coachella Valley USD also raises a number of concerns with local procedural issues in its appeal, including:

* The County Superintendent consultant who prepared the analysis of the proposed transfer for the County Committee failed to transmit the information that the Coachella Valley USD had prepared for the analysis to the County Committee.
* The County Committee failed to properly notice the public meeting at which it acted on the territory transfer proposal.
* The Coachella Valley USD did not receive a copy of the analysis prepared by the County Superintendent consultant in a timely manner.
* The County Committee refused the Coachella Valley USD’s request for a continuance of the proceedings in order to provide time for the district to prepare a rebuttal to the County Superintendent consultant’s analysis.
* Following County Committee approval of the territory transfer, the Coachella Valley USD’s request for a rehearing of the petition was denied. The County Committee further denied a Coachella Valley USD request to include its rebuttal in the administrative record.
* The County Committee failed to provide appropriate notice of the territory transfer petition to the applicable Local Agency Formation Commission pursuant to *EC* Section 35700.5.

The CDE does not examine the above allegations of errors in its analysis of the *EC* Section 35756 minimum threshold standards. In CDE’s opinion, these are issues that are more appropriately addressed at the time the County Committee is reviewing a petition, through local appeal channels. Although operating under the general direction of the *EC*, the County Committee’s local actions also are guided by its own adopted by-laws, past practice, local administrative and legal support, and other local factors.

However, the CDE will address these issues in Section 7.2 of this attachment in the context of other concerns that the SBE can consider before determining whether to affirm or reverse the County Committee’s actions.

## 6.0 CDE Analysis of *Education Code* Section 35753

CDE staff reviewed the administrative record provided by the County Superintendent which details (1) the County Superintendent consultant’s reorganization feasibility study (County Committee Study), (2) the County Committee actions in its consideration of the *EC* Section 35753 threshold conditions, and (3) the concerns raised in the appeal regarding the County Committee’s actions. *EC* Section 35753 conditions are established as minimum threshold requirements for a school district reorganization (*Hamilton v. State Board of Education* [1981] 117 Cal.App.3d 132) (*Hamilton v. SBE*). The County Committee (and the SBE) are required to determine if these minimum standards are substantially met before taking any discretionary action to approve a reorganization (*EC* sections 35709, 35710, and 35753).

As noted in previous sections of this attachment, the County Committee determined that all *EC* Section 35753 minimum threshold standards are substantially met by the proposed transfer of territory. The Coachella Valley USD appeal claims that four of these nine standards are not substantially met. Those four conditions are the CDE’s focus in this section:

* *EC* Section 35753(a)(4): The reorganization 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.
* *EC* Section 35753(a)(5): Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
* *EC* Section 35753(a)(6): The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected districts.
* *EC* Section 35753(a)(8): The proposed reorganization is primarily designed for purposes other than to significantly increase property values.

The appeal also includes a concern that the County Committee failed to comply with the intent of the California Legislature as stated in *EC* Section 35500:

*EC* Section 35500: *It is the intent of the Legislature to utilize the organization of districts as they existed on January 1, 1981, and local educational needs and concerns shall serve as the basis for future reorganization of districts in each county.*

The Coachella Valley USD argues that the primary intent of the petitioners is to allow students in the petition area to attend a school district with higher test scores. Since these students already attend the Desert Sands USD on interdistrict transfer, the Coachella Valley USD notes that approval of the transfer would have no effect on the students. Thus, there are no “local educational needs and concerns” for the petition-area students. The CDE will address this issue in more detail in Section 7.0.

For its analysis of the effects of the territory transfer proposal, the CDE conducted its own study of the minimum threshold standards, using information provided by the County Superintendent and the affected school districts, as well as data that is maintained by the CDE or generally available the public.

### 6.1 Education in an Integrated Environment

*EC* Section 35753(a)(4): *The reorganization 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.* SBE regulations (Title 5, *California Code of Regulations* [5 *CCR*] Section 18573[a][2]) regarding this “community identity” condition are identified in the following Standard of Review.

#### Standard of Review

5 *CCR* Section 18573(a)(4): *To determine whether the new districts will promote racial or ethnic discrimination or segregation, the effects of the following factors will be considered:*

*(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 to alleviate racial or ethnic discrimination or segregation.*

*(D) The effect of factors such as distance between schools and attendance centers, terrain, and 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.*

#### Overview of CDE Recommendation

It is the opinion of the CDE that permanently removing the Bridge at Jefferson subdivision students from the Coachella Valley USD and its schools would have minimal effects on the ability of the district and schools to educate students in an integrated environment.

Described in the following sections are the local actions of the County Committee regarding this standard, the concerns raised in the appeal, and more detailed information about the CDE recommendation.

#### County Committee Action

The following three factors related to this minimum standard were reviewed in the County Committee Study: governing board policies related to alleviating segregation; pupil enrollment by race/ethnicity in each district; and pupil enrollment by race/ethnicity in select schools of the affected districts. Each of those factors are described in greater detail below.

##### Governing board policies related to alleviating segregation

It was stated in the study that both the Coachella Valley USD and the Desert Sands USD have policies of: (1) equal opportunity for all students; (2) specific identification and assistance for English language learners; and (3) promotion of multicultural education.

##### Pupil enrollment by race/ethnicity in each district

Data provided in the County Committee Study show that the Coachella Valley USD was one percent White (at the time the study was prepared) while the Desert Sands USD was 20 percent White. Both districts were majority Hispanic or Latino—98 percent for the Coachella Valley USD and 73 percent for the Desert Sands USD. Both districts have statistically small populations of all other racial/ethnic groups.

##### Pupil enrollment by race/ethnicity in select schools

At the school level, the racial/ethnic composition of the students from the following schools was examined:

* Coachella Valley USD schools that students from the proposed transfer area would attend (if not on interdistrict transfers).
* Desert Sands USD schools that are geographically closest to the Bridge at Jefferson subdivision.

Note that all Bridge at Jefferson subdivision students attended schools in the Desert Sands USD and, if the transfer is approved, the Desert Sands USD would determine the attendance areas for the reorganized territory.

The following table (Table 2) contains the results of this analysis:

***Table 2: Percent Race/Ethnicity in Affected Schools***

| District | School | Grade Span | Hispanic or Latino | White | Other |
| --- | --- | --- | --- | --- | --- |
| Coachella Valley | Mountain Vista Elem. | K–6 | 97% | <1% | 3% |
| Coachella Valley | Cahuilla Desert Acad. | 7–8 | 99% | <1% | <1% |
| Coachella Valley | Coachella Valley High | 9–12 | 97% | <1% | 2% |
| Desert Sands | Madison Elementary | K–6 | 90% | 7% | 3% |
| Desert Sands | La Quinta Middle | 7–8 | 83% | 12% | 5% |
| Desert Sands | Indio Middle | 7–8 | 96% | 2% | 2% |
| Desert Sands | La Quinta High | 9–12 | 67% | 26% | 7% |
| Desert Sands | Indio High | 9–12 | 95% | 2% | 3% |

The conclusion in the County Committee Study regarding this condition is that the number of students in the Bridge at Jefferson subdivision is too small to make a substantial difference in the ability of any affected school or district to educate students in an integrated environment. At the time of this study, all 17 of the students from the area were attending the Desert Sands USD on interdistrict transfers. Thus, transfer of the area would not move any students and would have no effect on the racial/ethnic composition of any school or district. Regardless of interdistrict attendance permits, a transfer of 17 or a similar small number of students from the Coachella Valley USD would not have a substantial effect, even if all transferred students were assumed to be White.

After hearing a presentation of the information from the study, the County Committee voted unanimously that the “education in an integrated environment” condition in the Education Code is substantially met.

#### Appeal

The Coachella Valley USD, in its appeal, addressed two issues related to its ability to educate students in an integrated environment:

##### Transfer would result in permanent removal of upscale residences

The fact that the students residing in the Bridge at Jefferson subdivision already attend the Desert Sands USD is irrelevant. The issue is that an upscale neighborhood, which is statistically more likely to have white homeowners, will be removed permanently from the Coachella Valley USD. All but two of the 17 students in the transfer area are White.

The neighborhood, as described in the County Committee Study, is a gated community surrounded by other gated communities. Also stated in the study is a rationale for the territory transfer. Residents in the proposed transfer area “identify more with the higher social economics of the resort and gated communities.” This is another way of saying that the proposed transfer area contains wealthier homeowners who want to move from a district that is almost exclusively Latino. Transfer of this community would encourage “white-flight” from Coachella Valley USD, thus would contribute to the promotion of segregation.

##### Any increase in percentage of minority students promotes segregation

The small number of students currently residing in the Bridge at Jefferson subdivision is irrelevant to whether or not the transfer would promote segregation. Any change to the racial/ethnic composition of Coachella Valley USD students that inches the district toward 100 percent minority promotes racial discrimination and segregation.

The Coachella Valley USD provided additional background information regarding these concerns in a rebuttal statement to the County Committee Study. In that rebuttal, the district makes the following claims:

* The Coachella Valley USD has the highest percentage of minority students (by over 10 percentage points) of any school district in Riverside County.
* The demographics of the territories involved in the previous efforts to transfer from the Coachella Valley USD to the Desert Sands USD in 1994 and 1998 (see Section 2.4 of this attachment) are considerably different than the Coachella Valley USD as a whole. While fewer than one percent of Coachella Valley USD students are White, over 50 percent of the population of the territory involved in the previous transfer attempts are White (based on 2010 US Census Block Group data).
* The SBE reversed the action of the County Committee to approve the 1994 territory transfer petition based on concerns that the transfer would cause geographic and racial isolation by interfering with the ability of the Coachella Valley USD to provide an ethnically diverse educational experience. The territory that now contains the Bridge at Jefferson subdivision was part of this earlier transfer effort.
* Similar concerns regarding racial/ethnic segregation were raised in the 1998 territory transfer petition, which was disapproved by the County Committee and not appealed to the SBE. The territory from the previous 1994 transfer effort was also included in the 1998 petition.
* A successful 1985 territory transfer from the Coachella Valley USD to the Desert Sands USD (see Section 2.4 of this attachment for more information) was undeveloped land at the time of the transfer. However, that land was developed into upscale homes and, by 1990, the residents in those homes were 85 percent non-Hispanic compared to the remaining Coachella Valley USD at six percent non-Hispanic. The result of this transfer was to deny the Coachella Valley USD an opportunity to improve on its efforts to educate students in an integrated environment.

#### CDE Findings/Conclusion

As stated above, SBE regulations identify a number of factors to be included in an analysis of the effects of the ability of newly formed school districts to educate students in an integrated environment. Since this appeal does not involve the formation of a new school, and given the small number of students directly affected by the proposed transfer of territory,[[7]](#footnote-7) the CDE is not including an analysis of all the listed regulatory factors.

Table 1 of this attachment (Section 2.2) displays the percentages of students in the most populous CALPADS categories for each of the affected school districts. In the Coachella Valley USD, over 99 percent of its students are in one of the multiple minority student categories (98.1 percent are Hispanic), while 81.6 percent of Desert Sands USD’s students are minority students (74.9 percent Hispanic). As noted previously, the Coachella Valley USD is the school district in Riverside County with the highest percentage of minority students.

Table 2 contains 2019–20 CALPADS information regarding the racial/ethnic composition of students attending the Coachella Valley USD schools currently serving the proposed transfer area and the Desert Sands USD schools that are geographically closest to that territory. At all levels (i.e., elementary, middle, and high school), schools in the Desert Sands USD have lower percentages of minority students than Coachella Valley USD schools. The differences are most pronounced when considering the Truman Elementary School and the La Quinta High School.

***Table 3: Percent Race/Ethnicity in Affected Schools***

| District\* | School | Hispanic or Latino | White | Other\*\* |
| --- | --- | --- | --- | --- |
| Coachella Valley USD | Mountain Vista Elementary | 96.6% | 1.7% | 1.6% |
| Desert Sands USD | James Madison Elementary | 92.2% | 5.4% | 2.4% |
| Desert Sands USD | Harry S. Truman Elementary | 74.7% | 18.1% | 7.2% |
| Coachella Valley USD | Cahuilla Desert Academy Junior High | 98.7% | 0.8% | 0.6% |
| Desert Sands USD | La Quinta Middle | 81.9% | 13.2% | 4.9% |
| Desert Sands USD | Indio Middle | 94.2% | 2.4% | 3.4% |
| Coachella Valley USD | Coachella Valley High | 98.7% | 0.5% | 0.8% |
| Desert Sands USD | La Quinta High | 72.4% | 20.0% | 7.6% |
| Desert Sands USD | Indio High | 94.9% | 3.2% | 1.9% |

*Source:* *2019*–*20 CALPADS*

*\* Students in the “Not Reported” CALPADS category are excluded from   
the enrollment figures and are omitted from all calculations for this table.*

\*\* *The “Other” category includes “African American,” “American Indian or  
Alaska Native,” “Asian,” “Filipino,” “Pacific Islander,” and “Two or More.”*

Only one student from the Bridge at Jefferson subdivision attended the Coachella Valley USD during the 2019–20 school year (while seven students from that subdivision attended schools in the Desert Sands USD). While the current demographic composition of these eight total students is unknown to the CDE, it is the opinion of the CDE that permanently removing the Bridge at Jefferson subdivision students from the Coachella Valley USD and its schools, even if all students are White, would have minimal effects on the ability of the district and schools to educate students in an integrated environment.

The CDE agrees with the County Committee’s finding that removal of the Bridge at Jefferson subdivision students would not affect the ability of any affected school to educate students in an integrated environment. The CDE recommends that this “education in an integrated environment” condition is substantially met.

The CDE understands that there are existing local concerns that approval of this territory transfer will encourage future transfers, and that the projected effects of additional transfers will have significant effects on the ability of the Coachella Valley USD to educate its students in an integrated environment. This concern of encouraging future transfers will be discussed in Section 7.2.

### 6.2 Increased Costs to the State

*EC* Section 35753(a)(5): *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

Although the SBE has adopted no regulations regarding this condition, the *School District Organization Handbook* recommends that the following factors could be considered in evaluating this condition:

a. Whether implementation of the proposal would change one or more of the affected districts’ basic aid status. A change in basic aid could increase the amount of state apportionment funds required for either the proposed new district or one or more of the remaining districts

b. Additional state costs for school facilities.

c. Other state special or categorical aid programs and any increased state costs if students transferring would qualify in the gaining district and not in the losing district.

d. The additional costs to the state if costs per student for special or categorical programs are higher in the gaining district.

e. The effect on the affected districts’ home-to-school and special education transportation costs and state reimbursements.

f. Increased costs resulting from additional schools becoming eligible for “necessary small school” funding pursuant to *EC* sections 42280 through 42289.

#### Overview of CDE Recommendation

The CDE finds that the loss of one student and less than one percent of assessed valuation (AV) from the Coachella Valley USD would not substantially increase state costs.

Described in the following sections are the local actions of the County Committee regarding this standard, the concerns raised in the appeal, and more detailed information about the CDE recommendation.

#### County Committee Action

The County Committee Study contains the following analysis of this condition as it relates to the proposed territory transfer:

This condition is a non-issue since:

* Both affected school districts are state-aid funded districts;
* Necessary small schools would not be created as a result of the territory transfer; and
* Neither affected school district would create additional categorical program eligibility due to the transfer.

The conclusion in the study is that, since post-transfer funding (on a per pupil basis) would be no greater that current levels, there would be no substantial increase in costs to the state as a result of the territory transfer.

The County Committee unanimously voted that the “state costs” condition is substantially met.

#### Appeal

The Coachella Valley USD argues that this transfer proposal is part of a concerted effort to remove wealthier neighborhoods from within its boundaries and place them in the Desert Sands USD. The district notes that this is the third attempt to remove this territory (see Section 2.4 of this attachment). Because previous attempts were disapproved, the homeowners now are attempting to remove smaller numbers of homes to mitigate the negative effects of potential transfers. However, approval of this transfer proposal will set a precedent for future transfers, which will lead to continual erosion of Coachella Valley USD territory. Over time, this erosion will reduce the total assessed valuation of the district, cause the district to reach its bonding capacity, and require the district to seek Financial Hardship Assistance from the state, which will significantly increase state costs (see Section 5.3 of this attachment for additional information regarding Financial Hardship Assistance).

#### CDE Findings/Conclusion

At the time the territory transfer proposal was considered by the County Committee, 17 students from the transfer area attended the Desert Sands USD on interdistrict transfer permits. The Coachella Valley USD now has determined that the loss of white students from the district is not in the best interest of its remaining students and no longer grants additional interdistrict attendance permits. Six students from the proposed transfer area attended the Desert Sands USD for the 2019–20 school year, while only one student from that area attended the Coachella Valley USD. The 2019–20 AV of the proposed transfer area was $55,720,982, which represents approximately one half of a percent of the total AV of the Coachella Valley USD. The CDE notes that AV in the district has increased by over 25 percent during the past five years.

The CDE does not find that the loss of one student and the loss of less than one percent of AV represents a substantial negative effect on any circumstance of the Coachella Valley USD. Thus, the CDE agrees with the findings in the County Committee Study, and the subsequent determination of the County Committee, that the proposed transfer of territory would not substantially increase state costs.

The CDE recognizes that the appellants’ argument to the contrary is based on their claims that the current transfer, if approved, would establish a precedent for future transfers, and the aggregate of those future transfers would substantially affect state costs. However, that argument has no relevance for the analysis of whether or not the proposed territory transfer substantially meets any of the minimum threshold standards in *EC* Section 35753. The issue of establishing a precedent is discussed in Section 7.2 of this attachment (Potential Concerns Regarding the Proposed Transfer).

### 6.3 Negative Effect on Educational Programs

*EC* Section 35753(a)(6): *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

5 *CCR* Section 18573(a)(5): *The proposal or petition shall not significantly adversely affect the educational programs of districts affected by the proposal or petition. In analyzing the proposal or petition, the California Department of Education shall describe the districtwide 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.*

In addition to the SBE-adopted regulations regarding this criterion, the *School District Organization Handbook* provides the following recommendation:

Although it is difficult to accurately predict the changes that would occur in the educational program as a result of district reorganization, there are indicators that would be helpful to consider in reviewing reorganizations.

a. Many schools take part in a program quality review once every three years.

b. Most high schools participate in an accreditation review conducted at least every six years by the Western Association of Schools and Colleges.

c. In determining program quality, a committee would do well to consider a wide array of data. For high schools, these indicators range from the number of Advanced Placement courses offered by the district to the dropout rate.

d. Although past performance does not always predict future achievements, the academic track record of a district should certainly be considered when reviewing a school district reorganization.

#### Overview of CDE Recommendation

It is the opinion of the CDE that the loss of one student would not have a substantial negative effect on any component of the Coachella Valley USD’s educational programs.

Described in the following sections are the local actions of the County Committee regarding this standard, the concerns raised in the appeal, and more detailed information about the CDE recommendation.

#### County Committee Action

The County Committee Study contained the following information regarding this “educational program” threshold condition:

* The small number of students affected by the proposed territory transfer would not have any substantial negative effects on the educational programs of either district.
* One of the petitioners’ primary reasons for seeking the transfer is the higher test scores of the Desert Sands USD. That district’s test scores are higher than those of the Coachella Valley USD, however, the differences appear more related to the socio-economic differences and language skill challenges in the Coachella Valley USD’s higher percentage of English Language Learners (ELL).
* Both the Desert Sands USD and the Coachella Valley USD appear to have sound educational programs based on review of available information.

The County Committee determined, by a unanimous vote, that this “educational program” condition is substantially met by the proposed territory transfer.

#### Appeal

The Coachella Valley USD, in its appeal, claims that the transfer will significantly affect the district’s educational program because:

* The district already has obtained a site on which to build a new middle/high school (grades 7–12) designed to serve the Bridge at Jefferson subdivision and surrounding neighborhoods.
* The transfer of the petition area, along with future transfers inspired by approval of the current proposal, would likely lead to relocation of this future school.
* This relocation will have significant negative effects on the educational programs of the Coachella Valley USD.

#### CDE Findings/Conclusion

As noted in the Section 6.2 of this attachment, six students from the proposed transfer area attended the Desert Sands USD for the 2019–20 school year, while only one student from that area attended the Coachella Valley USD. The CDE does not believe that the loss of one student would have a substantial negative effect on the educational programs of the Coachella Valley USD.

Moreover, the appellants’ primary concern is the potential relocation of a school proposed for construction near the proposed transfer area. The Coachella Valley USD reports that there is no current funding for that school, and the project has been shelved.

For the above reasons, the CDE agrees with the determination of the County Committee that the proposed transfer of territory would not have substantially negative effects on the educational programs of any affected district.

Again, the CDE recognizes that the appellants’ argument is based on concerns that the current transfer, if approved, would establish a precedent for future transfers. The CDE again notes that that argument has no relevance for the analysis of whether or not the proposed territory transfer substantially meets any of the *EC* Section 35753 minimum threshold standards. As stated previously, the issue of establishing a precedent is discussed in Section 7.2 of this attachment (Potential Concerns Regarding the Proposed Transfer). Also, the issue of higher academic performance in the Desert Sands USD is examined as a rationale for the transfer in Section 7.1 of this attachment (Potential Reasons for Supporting the Transfer).

### 6.4 Increased Property Values

*EC* Section 35753(a)(8): *The proposed reorganization is primarily designed for purposes other than to significantly increase property values.*

#### Standard of Review

Although the SBE has adopted no regulations regarding this condition, the *School District Organization Handbook* recommends that the rationale given in the petition for the territory transfer should be analyzed. If the petitioners’ rationale for the transfer appears questionable or not compelling, the county committee should at least consider whether increased property values might be the primary reason for the petition. The county tax assessor’s office or local real estate firms could be consulted for advice on whether territory transfers might have an impact on property values.

#### Overview of CDE Recommendation

The CDE finds no evidence that the proposed territory transfer is designed **primarily** to increase property values.

Described in the following sections are the local actions of the County Committee regarding this standard, the concerns raised in the appeal, and more detailed information about the CDE recommendation.

#### County Committee Action

The County Committee Study contained the following information regarding the “increased property values” threshold condition:

* Property values in the Bridge at Jefferson subdivision, as well as the surrounding neighborhoods, were examined through internet-based real estate websites (Zillow.com and Realto.com). Within the city of Indio (which includes the proposed transfer area and is served by both the Coachella Valley USD and the Desert Sands USD), it was determined that there were no differences in property values based on school district boundaries.
* Home values in the city of La Quinta (in the Desert Sands USD, and directly west of the proposed transfer area) were substantially higher than homes in the surrounding Coachella Valley USD communities. However, the Desert Sands USD homes are located in a country-club setting on a golf course and have a higher level of amenities than homes in the Bridge at Jefferson subdivision.
* There is no available evidence to suggest that school district location plays a significant role in home values in this area. Instead, the amenities of the neighborhoods (e.g., golf course) appear to play the most significant role in determining property value.

The County Committee determined, by a unanimous vote, that this “increased property values” condition is substantially met by the proposed territory transfer.

#### Appeal

The Coachella Valley USD, in its appeal, states that higher academic performance in the Desert Sands USD is a primary reason listed by the petitioners in support of the transfer. The district also notes that only 17 students lived in the proposed transfer area at the time the territory transfer petition was submitted, further noting that these 17 students would represent, at most, 14 percent of the 124 homes in the neighborhood (assuming the unlikely circumstance that each student lived in a separate house). Since more than 25 percent of the voters in the neighborhood signed the territory transfer, the Coachella Valley USD infers that more residents of the proposed transfer area want to leave the district than have an educational interest in the transfer.

The district further assumes that transferring the property to a district with higher test scores will increase demand for the homes. As demand increases, the values of the homes will increase.

Given these circumstances, the Coachella Valley USD believes that a potential increase in property values is the primary reason behind the territory transfer petition.

#### CDE Findings/Conclusion

The CDE examined property values with the online resources used at the time the territory transfer proposal was reviewed locally. Based on comparisons of property values in and around the area proposed for transfer, the CDE finds that homes of equivalent size and with similar amenities in both the Coachella Valley USD and the Desert Sands USD are in the same property value range. In both districts, the value of the majority of homes ranges from $550,000 to $700,000. The CDE agrees with the findings in the County Committee Study that there appears to be no significant difference in property values based on school district boundary lines.

More importantly, there is no documentation in the administrative record providing any evidence that the proposed territory transfer is **primarily** designed to increase property values which is the minimum threshold standard that is under review here. One of the petitioners’ primary reasons for the transfer is to place their homes in a school district with higher test scores. The CDE does acknowledge that better school district academic performance often is an indicator of higher property value. However, information available to the CDE provides no support, in this proposed reorganization, for the proposition that school district location substantially affects property value, much less a finding that the reorganization is primarily driven by increased property values.

The CDE also believes the district’s underlying reasoning in the appeal is flawed. One of the foundations of the Coachella Valley USD’s belief that a potential increase in property values is the primary reason behind the territory transfer petition is a comparison between the percentage of homes in the transfer area that have students and the percentage of voters signing the territory transfer petition. The district argues that, at a maximum, the 17 students in the neighborhood represent only 14 percent of the homes—while at least 25 percent of the voters in the neighborhood signed the petition. Based on this comparison, the district infers that more residents of the proposed transfer area want to leave the district than have an educational interest in the transfer. The CDE notes that voters, and not students, signed the petition. It is not unreasonable to assume that a home with a resident student would contain multiple voters. Thus, the percentage of residents (i.e., voters) with “an educational interest in the transfer” could be significantly higher than the 14 percent assumed by the district.

For the above reasons, the CDE agrees with the unanimous determination of the County Committee that the proposed transfer of territory is primarily designed for purposes other than to significantly increase property values.

### 6.5 Summary of CDE Findings

The CDE agrees with the County Committee that all *EC* Section 35753 minimum threshold standards are substantially met.

## 7.0 Compelling Reasons and Concerns

An action by the SBE to either affirm or reverse the County Committee is a discretionary action, whether the SBE finds that all *EC* Section 35753 conditions are substantially met or if it finds all the conditions are not met. As part of this discretionary authority, the SBE may consider compelling reasons and concerns offered by the affected districts, petitioners and appellants, community members, and the CDE in making its determination to either affirm or reverse the County Committee’s approval of the territory transfer.

Similarly, County Committee approval of a territory transfer proposal is a discretionary action. *EC* sections 35709 and 35710 govern the approval processes for territory transfers that the County Committee is required to follow. Both processes recognize the discretionary nature of an action to approve a territory transfer by stating that a County Committee **may** approve a petition if it finds that the minimum threshold standards in *EC* Section 35753 are substantially met. Under *EC* sections 35709 and 35710, County Committee approval of the territory transfer petition involves the following steps:

* Determination that the *EC* Section 35753 standards are substantially met for the proposed transfer.
* Action to approve the transfer petition.
* Depending on the circumstances of the territory transfer, notification that the transfer is approved (*EC* Section 35709) or direction to the county superintendent to order an election for final approval of the transfer (*EC* Section 35710).

The County Committee, when considering this petition, appeared not to follow the process outlined in these sections. Instead, the CDE believes that the County Committee conflated this process with the process required for school district reorganizations that are not territory transfers (in *EC* Section 35707):

*§ 35707*

*(a) Except for petitions for the transfer of territory, the county committee shall expeditiously transmit the petition to the State Board of Education together with its recommendations thereon. It shall also report whether any of the following, in the opinion of the committee, would be true regarding the proposed reorganization as described in the petition:*

*(1) It would adversely affect the school district organization of the county.*

*(2) It would comply with the provisions of Section 35753.*

*(b) Petitions for transfers of territory shall be transmitted pursuant to Section 35704.*

*EC* Section 35707 directs the County Committee to transmit a reorganization proposal to the SBE for approval. There is no requirement for a local action to approve that proposal. Despite the indications stated in *EC* Section 35707 that the process did not apply to territory transfer petitions, the County Committee took the following steps in acting on the territory transfer proposal:

* Determined the proposal would not adversely affect the school district organization of the county (as required by *EC* Section 35707 only).
* Determined that the proposal substantially complied with the provisions of *EC* Section 35753 (as required by both *EC* sections 35707 and 35710).
* Established an election area for the proposal and directed the county superintendent to order an election (as required by *EC* Section 35710 only).

However, the County Committee took no separate, specific action to approve the territory transfer proposal (as determined by review of the meeting minutes and the audio-recorded proceedings of the County Committee’s actions).

Although it appears that the County Committee did not adhere to all provisions of the appropriate local process, it is the CDE’s opinion that there is substantial compliance based on:

* Evidence exists in the administrative record that the County Committee intended to and approved the petition, although no specific action to approve existed. The County Committee found that the *EC* Section 35753 conditions were substantially met, consistent with approving the transfer. The chairperson of the County Committee stated in public session that the territory transfer was approved, based on the previous actions of the County Committee. Moreover, the County Committee specifically referenced *EC* Section 35710 when it approved the action to notify to the County Superintendent to call an election. That notification only makes sense if the County Committee was approving the transfer under *EC* Section 35710.
* While the County Committee’s reference to its action being pursuant to *EC* Section 35707 (rather than *EC* Section 35710) is in error, it is the CDE’s opinion that the error is not so sufficiently substantive as to derail the appeal. Both *EC* sections 35707 and 35710 reference approval of the *EC* Section 35753 conditions as substantially met. The County Committee's reference to the proposed transfer as not affecting the organization of districts in the county (required only by *EC* Section 35707) can be disregarded.

Based on the above information, it appears to the CDE that the County Committee believed it was acting under *EC* Section 35710 to approve the transfer. It further appears to the CDE that the County Committee approved the proposal, albeit such approval is not recorded in the minutes but was announced in public session. It is CDE’s opinion that approval is subject to appeal by the SBE.

The primary concern with the County Committee adhering to a territory transfer process that is not fully based on the provisions of *EC* Section 35710 is that it afforded no opportunity for discussion or consideration of compelling reasons either to approve or disapprove the transfer. Instead, the County Committee appeared to assume that its determination of substantial compliance with *EC* Section 35753 minimum thresholds was sufficient for approval of the territory transfer (and stated as much in the audio-recording of the hearing proceedings).

As stated in Section 6.0, *EC* Section 35753, conditions are established as minimum threshold requirements for a school district reorganization and, as such, are not intended to serve as the reasons that compel approval of a reorganization proposal (*Hamilton v SBE*). It appears to the CDE that County Committee approval of the proposal was prompted solely by the County Committee’s findings that the territory transfer proposal substantially complied with these minimum threshold standards.

Regardless, it is the CDE’s opinion that the proposal has been approved, and the approval is what has been appealed to the SBE. The SBE may consider compelling reasons that support the transfer in any decision it might make to affirm the County Committee decision. Conversely, the SBE may consider any concerns with the proposed transfer in consideration of an action to reverse County Committee approval of the transfer.

The chief petitioners have offered a number of reasons they believe would compel approval. Appellants have provided a number of concerns with the proposal that they believe compel disapproval. Some of these reasons and concerns have been discussed elsewhere in this attachment. The CDE summarizes the most relevant reasons in the following sections.

### 7.1 Potential Reasons for Supporting the Transfer

Based on analyses of the information available, the CDE finds that the proposed territory transfer substantially meets all nine minimum threshold standards provided in *EC* Section 35753. Again, the fact that a proposed territory transfer substantially meets these standards is not intended as a compelling reason for approval (*Hamilton v. SBE*).

In the CDE’s opinion, the SBE may consider any compelling reason it finds appropriate, including the following reasons offered by chief petitioners:

* Distances to schools.
* Community identity with Desert Sands USD communities and Coachella Valley USD communities.
* Lack of students from the Bridge at Jefferson subdivision attending the Coachella Valley USD.
* Higher test scores in the Desert Sands USD.

These reasons are examined in greater detail in the following paragraphs.

#### Distances to Schools

The County Committee Study contained a table with the distances from the proposed transfer area to the Coachella Valley USD schools currently serving the area and the Desert Sands USD schools purported to be closest to the transfer area. Information from that study is incorporated into Table 4.

***Table 4: Distances from the Bridge at Jefferson Subdivision to Schools***

| District | School | Grade Span | Distance in Miles | Travel Time\* |
| --- | --- | --- | --- | --- |
| Coachella Valley | Mountain Vista Elem. | K–6 | 2.2 | 4 minutes |
| Coachella Valley | Cahuilla Desert Acad. | 7–8 | 4.6 | 9 minutes |
| Coachella Valley | Coachella Valley High | 9–12 | 7.8 | 13 minutes |
| Desert Sands | Madison Elementary | K–6 | 2.3\*\* | 8 minutes |
| Desert Sands | La Quinta Middle | 7–8 | 2.1 | 6 minutes |
| Desert Sands | Indio Middle | 7–8 | 3.1 | 6 minutes |
| Desert Sands | La Quinta High | 9–12 | 2.2 | 6 minutes |
| Desert Sands | Indio High | 9–12 | 2.9 | 6 minutes |

*\*Travel times are from the CDE and are not part of the County Committee Study. \*\*Based on CDE review of distances, the Madison Elementary School is 3.7 miles from the transfer area—not the 2.3 miles noted in the County Committee Study. Truman Elementary School (not included in the Study) is the closest Desert Sands USD elementary school to the transfer area at a distance of 2.5 miles, with a travel time of seven minutes*.

Petitioners argue that district boundaries were established in 1964, well before the construction of homes in the Bridge at Jefferson subdivision and many surrounding communities. Their own neighborhood is in the far northwest corner of the district and was farmland in 1964; construction of homes did not begin until 2005. The petitioners claim their neighborhood is not part of the Coachella Valley USD community and it makes no sense for their children to travel long distances when schools of the Desert Sands USD are much closer. The petitioners believe that the territory transfer will reduce travel time for students and allow greater opportunity for participation in extracurricular activities at school.

As seen in Table 4, Mountain Vista Elementary School (Coachella Valley USD) is closer to the proposed transfer area than are the two listed Desert Sands USD elementary schools. The two middle schools and the two high schools of Desert Sands USD are closer than are the Coachella Valley USD middle and high schools. However, the CDE notes that these Desert Sands USD middle and high schools are located across CA-111, a busy state highway that is the main north-south route and retail corridor through the Coachella Valley. All Coachella Valley USD schools are on the same side of CA-111 as is the proposed transfer area.

Additionally, the Coachella Valley USD provides bus transportation for all students who reside within the proposed transfer area, regardless of grade level. The Desert Sands USD policy is that students are eligible for transportation services if the distance between their school and their school-established bus stop is beyond the following distances:

* Grades K–8: three fourths mile.
* Grades 3–5: one and a half miles.
* Grades 6–8: three miles.
* Grades 9–12: no transportation provided.

Based on this policy and the distances provided in Table 4, middle and high school students in the proposed transfer area would not be eligible for bus transportation to their schools on the other side of CA-111 should the territory be transferred to the Desert Sands USD.

Although the middle and high schools of the Desert Sands USD are closer to the proposed transfer area than are the Coachella Valley USD schools, that “closeness” factor is diminished by the location of the Desert Sands USD schools relative to CA-111 and the lack of bus transportation services to those schools. It is CDE’s opinion that the petitioners’ “distance to schools” argument is not a particularly compelling reason for transferring the territory given these mitigating issues and the fact that the Coachella Valley USD elementary school is closer to the proposed transfer area.

#### Community Identity

Petitioners state that students should attend schools in communities with which they have the closest ties, in their case, they specifically reference communities in the cities of La Quinta and Indio that are just across the street from their neighborhood. The CDE finds this statement to be particularly confusing given that a number of other Coachella Valley USD neighborhoods adjacent to, or near, the Bridge at Jefferson subdivision also are in the cities of La Quinta and Indio (see Section 2.1 of this attachment for a geographic description of the Coachella Valley USD and Figure 1 [Section 2.3] for a visual depiction of the geography.

It also is noted in the County Committee Study that school district boundaries near the proposed transfer area do not align with city boundaries. Both the Coachella Valley USD and the Desert Sands USD serve communities from the cities of La Quinta and Indio. Perhaps a more accurate description of the petitioners’ community identity argument is found in this County Committee Study with the following statement:

*The region is divided by resort (and gated) communities versus agricultural communities. Palm Desert, Indian Wells, and La Quinta are dotted with golf courses, hotels, high-end restaurants, luxury shopping and gated housing communities.*

The County Committee Study notes that the Desert Sands USD serves more of the resort communities, while the Coachella Valley USD serves the more agricultural-based communities. Moreover, the Coachella Valley USD provides a comparison of the per capita income (from US Census data) between the two community types: the average per capita income in the Census Block Group containing the proposed transfer area is more than 80 percent higher than the per capita income of the Block Group directly east and further into Coachella Valley USD territory.

This community identity argument is summarized in the following statement from the County Committee Study:

*It is feasible that the territory residents identify more with the higher social economics of the resort and gated communities.*

Although it perhaps is the case that there exists a greater sense of community identity between the proposed transfer area and the more affluent communities of the Desert Sands USD, the CDE does not find that removing more socio-economically affluent neighborhoods from the Coachella Valley USD is a compelling local educational reason to support the transfer.

#### No Area Student Attends Coachella Valley USD Schools

Chief petitioners state that no student from the Bridge at Jefferson subdivision has attended any school in the Coachella Valley USD since the subdivision’s homes were built. The petitioners’ offer that fact as evidence that the current school district organization has failed to serve the best interests of their children.

As noted in Section 6.2 of this attachment, the Coachella Valley USD no longer grants additional interdistrict attendance permits after determining that the loss of white students from the district is not in the best interest of its remaining students. Thus, fewer students from the Bridge at Jefferson subdivision now attend Desert Sands USD schools (seven students for the 2019–20 school year). However, at the time that the territory transfer proposal was reviewed locally, no Bridge at Jefferson subdivision students attended Coachella Valley USD schools and it was documented that no students from this subdivision ever had.

It is difficult to understand how the petitioners, at the time the proposal was considered locally, could determine that attending Coachella Valley USD schools was not in their students’ best interests given the lack of experience with such attendance. Regardless, it is the CDE’s opinion that parental preferences for Desert Sands USD schools is not a compelling local educational reason to transfer the Bridge at Jefferson subdivision.

#### Higher Test Scores of the Desert Sands USD

One of the petitioners’ reasons for transferring the Bridge at Jefferson subdivision to the Desert Sands USD is that the average test scores of that district are far above the average scores of the Coachella Valley USD. This issue was addressed in the County Committee Study through an examination of selected test scores for the Coachella Valley USD schools that currently serve the Bridge subdivision, and Desert Sands USD schools that are close to the subdivision. Results are contained in Table 5.

***Table 5: 2016 Smarter Balanced Test Results for Affected District Schools***

| District | School | English Language Arts\* | Mathematics\*\* |
| --- | --- | --- | --- |
| Coachella Valley | Mountain Vista Elem. | 56% | 49% |
| Coachella Valley | Cahuilla Desert Acad. | 56% | 41% |
| Coachella Valley | Coachella Valley High | 65% | 41% |
| Desert Sands | Madison Elementary | 49% | 51% |
| Desert Sands | La Quinta Middle | 67% | 51% |
| Desert Sands | Indio Middle | 63% | 43% |
| Desert Sands | La Quinta High | 94% | 68% |
| Desert Sands | Indio High | 75% | 40% |

*\*Percent Meeting Standard and Above for English Language Arts Test Results.*

*\*\*Percent Meeting Standard and Above for Mathematics Test Results.*

The conclusion in the County Committee Study is that the petitioners are correct in their understanding that schools in the Desert Sands USD have higher test scores. However, that conclusion was mitigated by the statement in that study that part of the difference in test scores “lies with social economic differences and language skill challenges” in the higher ELL population of the Coachella Valley USD. The overall finding in the County Committee Study is that both districts have sound educational programs.

The CDE examined more recent district-level academic performance since the petitioners specifically cited average district test scores as a reason for submitting the territory transfer proposal. Table 6 presents select results from the 2019[[8]](#footnote-8) California School Dashboard.

***Table 6: 2019 California School Dashboard Results for Affected Districts***

| Measure | Coachella Valley USD | Desert Sands USD |
| --- | --- | --- |
| Socio-Economically Disadvantaged | 94% | 70% |
| English Language Learner | 41.4% | 23.5% |
| English Learner Progress | 47% | 47.5% |
| Graduation Rate (% graduated) | Orange\* (79.3%) | Green\* (92.1%) |
| College/Career (% prepared) | Orange\* (27.3%) | Yellow\* (42.3%) |
| English Language Arts (points below standard) | Orange\* (56.8) | Orange\* (13.2) |
| Mathematics (points below standard) | Orange\* (86.2) | Orange\* (51) |

*\*Performance on measures, using comparable statewide data, is represented by one of a range of five colors: Red, Orange, Yellow, Green, and Blue. Red represents the lowest performance level while Blue represents the highest performance level.*

The more recent district-level academic performance data in Table 6 supports the school-level findings from the County Committee Study. Academic performance levels in the Desert Sands USD are higher than those for the Coachella Valley USD; and the Coachella Valley USD has a substantially greater percentage of students who are socio-economically disadvantaged and ELL.

Chief petitioners claim that placing their children in a district with higher test scores would address a local educational concern. The CDE disagrees and believes that removing students from a more affluent area of the Coachella Valley USD does not address a local educational need or concern; instead, it likely exacerbates a local educational concern.

### 7.2 Potential Concerns Regarding the Proposed Transfer

The SBE, even if it determines the transfer substantially meets *EC* Section 35753 conditions, may consider any concerns that warrant reversing the County Committee’s action to approve the proposal. Concerns raised by the Coachella Valley USD, other than failure to substantially meet minimum threshold requirements, include:

* Alleged procedural errors by the County Committee during its local review of the territory transfer petition.
* Given the history of attempts by communities in the Coachella Valley USD to transfer their homes to the Desert Sands USD, the precedent-setting nature of approval of the Bridge at Jefferson subdivision transfer.

These concerns are examined in greater detail in the following paragraphs.

#### Procedural Issues

In its appeal and in supplemental materials provided to the CDE, the Coachella Valley USD alleges that the County Committee committed numerous procedural errors during its process of reviewing the territory transfer petition, including failure to provide a copy of the County Committee Study in a timely manner and refusal to include the district’s rebuttal to that study in the administrative record transmitted to the SBE. Section 5.6 of this attachment includes a more complete list of alleged procedural errors. The CDE previously noted that it does not consider matters related to local procedures as appropriate issues for analysis as part of the appeal process.

Similarly, it is CDE’s opinion that allegations of procedural errors do not represent a local educational reason or concern that is compelling enough to reverse the action of the County Committee. Although operating under the general direction of the SBE and the *Education Code*, the County Committee’s local actions are guided by its own adopted by-laws, past practice, local administrative and legal support, and other local factors.

#### Approval Would Set a Precedent for Future Transfer Petitions

The Coachella Valley USD provided information regarding previous efforts to transfer its territory to the Desert Sands USD, and has expressed concerns that approval of the petition to transfer the Bridge at Jefferson subdivision would set a precedent and encourage other communities to seek transfer, including those communities unsuccessful in previous years. The CDE has provided some detail about these previous transfer attempts in this attachment (Section 2.4 and elsewhere) and will not repeat that information here. In this section, the CDE will examine the potential for approval of the Bridge at Jefferson subdivision transfer to be a precedent-setting event for future transfers from the Coachella Valley USD.

Figure 2 provides an aggregate view of the previous territory transfer attempts (the individual attempts are displayed in the separate maps provided in Attachment 2).

***Figure 2: Previous Attempts to Transfer Coachella Valley USD Territory***



This “aggregate” map shows that the territory containing the Bridge at Jefferson subdivision was included in the two failed territory transfer attempts previously considered by the County Committee. The successful 1985 transfer of neighboring territory also is included in Figure 2.

The CDE identifies the following factors that, in its opinion, can contribute to territory transfer approval establishing a precedent for future transfer attempts. Also included is a brief discussion regarding how those factors relate to the circumstances of the current territory transfer proposal.

* The territory in the transfer petition is part of, or adjacent to, previous transfer efforts. It is clear from the map in Figure 2 that the Bridge at Jefferson subdivision was included in two previous efforts to transfer territory from the Coachella Valley USD to the Desert Sands USD. Additionally, territory in the two failed efforts is adjacent to the transfer petition that was approved in 1985.
* Similarities exist between the territory in the transfer proposal and the territory in previous transfer attempts. The territories in all cases are part of either the city of Indio or the city of La Quinta. Additionally, US Census information provided by the Coachella Valley USD indicates that the residents of these territories share a similar racial/ethnic composition and have a similar socio-economic status.
* Petitioners’ reasons for the transfer (as provided in their petition) could apply to future attempts to transfer the territory of these surrounding areas. The reasons to support the transfer, as provided in the petition (see Section 2.3 of this attachment) also could apply to the areas of the Coachella Valley USD that are adjacent to the Bridge at Jefferson subdivision.

Long-term efforts to move territory from a district (or districts) perceived to be less desirable to a district (or districts) perceived to more desirable exist elsewhere in the state:

* There have been multiple efforts to transfer portions of the City of Menlo Park (San Mateo County) from the Ravenswood City Elementary School District (CESD) to the Menlo Park CESD. These efforts began with an approval of a territory transfer in 1983 and are ongoing. The SBE last heard an appeal of a local disapproval of a petition to transfer territory from the Ravenswood CESD to the Menlo Park CESD at its September 2018 meeting at which time it affirmed the decision of the San Mateo County Committee to disapprove the transfer. Similar efforts currently are under local consideration.
* There have been long-term efforts to transfer portions of the city of Saratoga and the town of Los Gatos (Santa Clara County) from the Campbell Union School District (SD) and the Union SD (both components of the Campbell Union High SD) to the Los Gatos Union Elementary SD (UESD) and the Saratoga UESD (both components of the Los Gatos-Saratoga Union High SD). Those efforts began with approvals of territory transfers in 1994 and 1996 and, as with the Ravenswood CESD, continue. The SBE most recently heard appeals from three separate actions of the Santa Clara County Committee to disapprove such transfers at its January 2019 meeting. The SBE affirmed the local action in each appeal. The SBE has another similar appeal pending that will be heard at a future meeting.

Finally, continual efforts to transfer territory from the Coachella Valley USD have been acknowledged by the California State Legislature. In 2000, the Governor signed Senate Bill (SB) 977 (Statutes of 2000), which provided protection for the Coachella Valley USD from attempts to remove territory. This legislation established Section 35706.5 in the *Education Code*. Section 35706.5 provides that a district, which meets the following conditions, cannot have territory transferred from it without approval of the district’s governing board:

* The district has obtained an emergency apportionment loan from the State of California.
* The State Superintendent of Public Instruction has restored the legal rights, duties, and powers of the governing board of the school district.
* At least 70 percent of the district’s student population is from either a “lower income household” or “very low-income household.”

The statute also states that this “exclusion” from territory transfers expires 10 years after the district has repaid its emergency apportionment loan. Although the “exclusion” applies to any school district meeting the conditions stated in *EC* Section 35706.5, it is clear from the legislative analyses of SB 977 that the conditions were drawn from the circumstances of the Coachella Valley USD.[[9]](#footnote-9) These analyses specifically acknowledged that the Coachella Valley USD has had to “fight periodic efforts to annex territory that would have the effect of removing the best future economic base from the district.” The territory transfer “exclusion” for the Coachella Valley USD expired in 2012.

Given the circumstances described above, it is CDE’s opinion that approval of the Bridge at Jefferson subdivision from the Coachella Valley USD to the Desert Sands USD could establish a precedent for similar territory transfer efforts.

### 7.3 CDE Recommendation

The chief petitioners have provided reasons that they believe justify approval of the transfer, while the Coachella Valley USD provided its rationale for why the SBE should reverse the action of the County Committee to approve transfer of the Bridges at Jefferson subdivision.

While the County Committee approved the transfer, it provided no indication that its approval was based upon any of the reasons for approval provided by the chief petitioners. In fact, the County Committee (in making its approval decision) included no consideration (in CDE’s view) of “local educational needs and concerns.” Instead, all evidence points to a finding that that the County Committee’s approval was based solely upon its decisions that the petition substantially met all of the *EC* Section 35753 minimum threshold standards. Such action is not supported by *Hamilton v. SBE*, which establishes that meeting these standards is not a reason to compel approval of a school district reorganization.

The CDE finds no compelling reason to support approval of the Bridge at Jefferson subdivision petition to transfer from the Coachella Valley USD to the Desert Sands USD. On the other hand, the CDE lists a number of existing circumstances that could promote further transfers from the Coachella Valley USD (see Section 7.2). It is CDE’s further opinion that, based on existing geographic and socio-economic settings, future transfers potentially could exacerbate the already existing racial/ethnic and socio-economic disparities between the two affected school districts and have substantial negative fiscal effects on the Coachella Valley USD. Those concerns were reflected in the CDE’s analysis of the 1994 action of the County Committee to approve transfer of an expanded area from the Coachella Valley USD, and the SBE’s subsequent decision to reverse that County Committee approval.

## 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 Coachella Valley USD, as the appellant in this matter, is on record opposing the territory transfer. The final approval of the transfer must be through approval at a local election. The County Committee voted to establish the area proposed for transfer as the election area. If the SBE affirms the action of the County Committee, it must determine the territory in which this election will be held (pursuant to *EC* Section 35756).

The “default” election area in *EC* Section 35732 is the territory proposed for reorganization (i.e., the proposed transfer area). 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.

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.

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 Joint Union High School District v. State Board of Education* [1982] 32 Cal. 3d 779 [*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, the rational basis approach to defining the election area applied. In this matter of the proposed transfer of territory from the Coachella Valley USD to the Desert Sands USD, 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 present or future racial composition of any affected district, or have any significant negative fiscal effect. Therefore, the CDE recommends that the election area only be the territory proposed for transfer if the SBE acts to affirm the County Committee’s approval of the territory transfer proposal.

## 9.0 State Board of Education Action

Subdivision (c) of *EC* Section 35710.5 provides that the SBE, upon receiving an appeal from an action of a County Committee, may review the appeal (either in conjunction with a public hearing or based solely on the administrative record) or ratify the County Committee’s decision by summarily denying review of the appeal. Past practice of the SBE has been to hear all appeals in conjunction with a public hearing. The assumption in this section is that the SBE will conduct a public hearing as part of its review.

### 9.1 State Board of Education Options

The SBE has the following three options for this territory transfer appeal:

1. The SBE may review the appeal in conjunction with a public hearing.

* Following review of the appeal, the SBE must affirm or reverse the action of the County Committee.
* If the proposal will be sent to election, the SBE must determine the territory in which the election is to be held.
* The SBE may reverse or modify the action of the County Committee in any manner consistent with law.

1. The SBE may request additional information regarding the appeal or the territory transfer, and choose not to act until a later meeting.
2. The SBE, pursuant to *EC* Section 35720, may direct the County Committee to formulate plans and recommendations for an alternative reorganization. The County Committee then would report back to the SBE regarding its actions.

### 9.2 California Department of Education Findings

The CDE makes the following findings regarding the territory transfer proposal:

* All minimum threshold standards of *EC* Section 35753 are substantially met. This finding corresponds to the County Committee’s determination that all such conditions are substantially met.
* There is no compelling reason to transfer the Bridge at Jefferson subdivision from the Coachella Valley USD to the Desert Sands USD.
* There are compelling local educational reasons or concerns to justify reversing the County Committee decision to approve the proposed territory transfer.

### 9.3 Recommended Action

The CDE recommends that the SBE approve the appeal, thus reversing the action of the County Committee to approve the proposal to transfer territory from Coachella Valley USD to the Desert Sands USD.

If the SBE acts to deny the appeal, a local election will be required to approve the proposal. Under that circumstance, the CDE recommends that the SBE establish the territory proposed for transfer as the election area for the required election on the proposal.

# ATTACHMENT 2 Maps of Previous Attempts to Transfer Territory from the Coachella Valley Unified School District

## 1985 Transfer of the Indian Palms Country Club Area

In 1985, approximately 640 acres of mostly undeveloped land (proposed for upscale residential development) was successfully transferred from the Coachella Valley USD to the Desert Sands USD.

**Figure 1: Map of Territory Transferred in 1985**



## 1994 Proposed Transfer

In 1994, the County Committee approved a proposal to transfer another approximate 640 acres of mostly undeveloped territory acres from the Coachella Valley USD to the Desert Sands USD. This proposal contained the territory on which the current Bridge at Jefferson Subdivision is located.

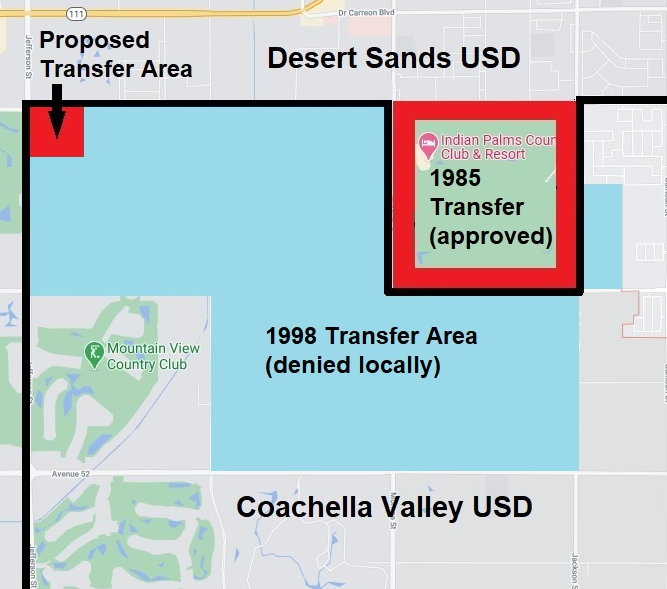
**Figure 2: Map of Territory Proposed for Transfer in 1994**



## 1998 Proposed Transfer

A third proposal to transfer territory from the Coachella Valley USD to the Desert Sands USD was considered by the County Committee in 1998. This proposal to transfer approximately 2,600 acres contained all the territory of the previous (1994) proposal, including the area that is now the current Bridge at Jefferson.

**Figure 3: Map of Territory Proposed for Transfer in 1998**



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 substantially met. [↑](#footnote-ref-1)
2. Financial hardship assistance is available for those school districts that cannot provide all or part of their funding share of a School Facility Program (SFP) project. A school district that receives financial hardship approval from the Office of Public School Construction can receive additional state funding for an SFP project from the State Allocation Board. [↑](#footnote-ref-2)
3. A State Administrator was appointed due to the fiscal insolvency of the Coachella Valley USD and that district’s need for an emergency state loan to meet its financial obligations. The State Administrator had final authority over Coachella Valley USD’s operations, with the district governing board operating in an advisory capacity. [↑](#footnote-ref-3)
4. A State Administrator was appointed by the CDE for the fiscally insolvent Coachella Valley USD—this Administrator had final authority over the district’s operations. Due to the close and necessary relationship between the State Administrator and the CDE, the SBE Executive Director, rather than CDE staff, analyzed the appeal and presented recommendations to the SBE. [↑](#footnote-ref-4)
5. Although the County Committee voted that the territory transfer proposal meets all *EC* Section 35753 conditions, it is the opinion of the CDE that the County Committee did not take a formal action to approve the territory transfer. This issue will be discussed in the more detail in Section 7.2 of this attachment. [↑](#footnote-ref-5)
6. Financial hardship assistance is available for those school districts that cannot provide all or part of their funding share of a School Facility Program (SFP) project. A school district that receives financial hardship approval from the Office of Public School Construction can receive additional state funding for an SFP project from the State Allocation Board. [↑](#footnote-ref-6)
7. Although 17 public school students were identified at the time the transfer petition was reviewed locally, the Coachella Valley USD believes the Bridge subdivision could contain as many as 80 students based on its student generation rate per household. [↑](#footnote-ref-7)
8. Due to the COVID-19 pandemic, the reporting of state and local indicators on the 2020 California School Dashboard was suspended. [↑](#footnote-ref-8)
9. The Coachella Valley USD received an emergency apportionment loan, along with a state appointed administrator in 1992. Governing board powers were restored in 1996 and the district repaid its loan at the end of 2001. [↑](#footnote-ref-9)