



California State Board of Education January 2019 Meeting—Item 06

Territory Transfer Appeal (Westbrook):
Moreland School District and Campbell
Union High School District to Cupertino
Union School District and Fremont Union
High School District in Santa Clara County



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SBE Options

- The Santa Clara County Committee on School District Organization unanimously disapproved the proposed transfer from Moreland SD and Campbell UHSD to Cupertino USD and Fremont UHSD.
- The SBE may affirm or reverse the County Committee's action to disapprove.
- If the SBE reverses the action, thus approving the territory transfer, it must establish an election area.



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District Reorganization Procedure

- Determine that the proposed reorganization meets nine threshold conditions (minimum standards).
- If threshold conditions are substantially met, determine whether there is a local educational need or concern to reorganize districts (i.e.: Is there a compelling educational reason to overturn the local decision to disapprove the territory transfer?).



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Historical Transfer Requests

In the mid-1990s, Santa Clara County experienced a surge of requests to transfer territory out of Campbell UHSD (and its components) into Cupertino, Los Gatos, and Saratoga school districts.



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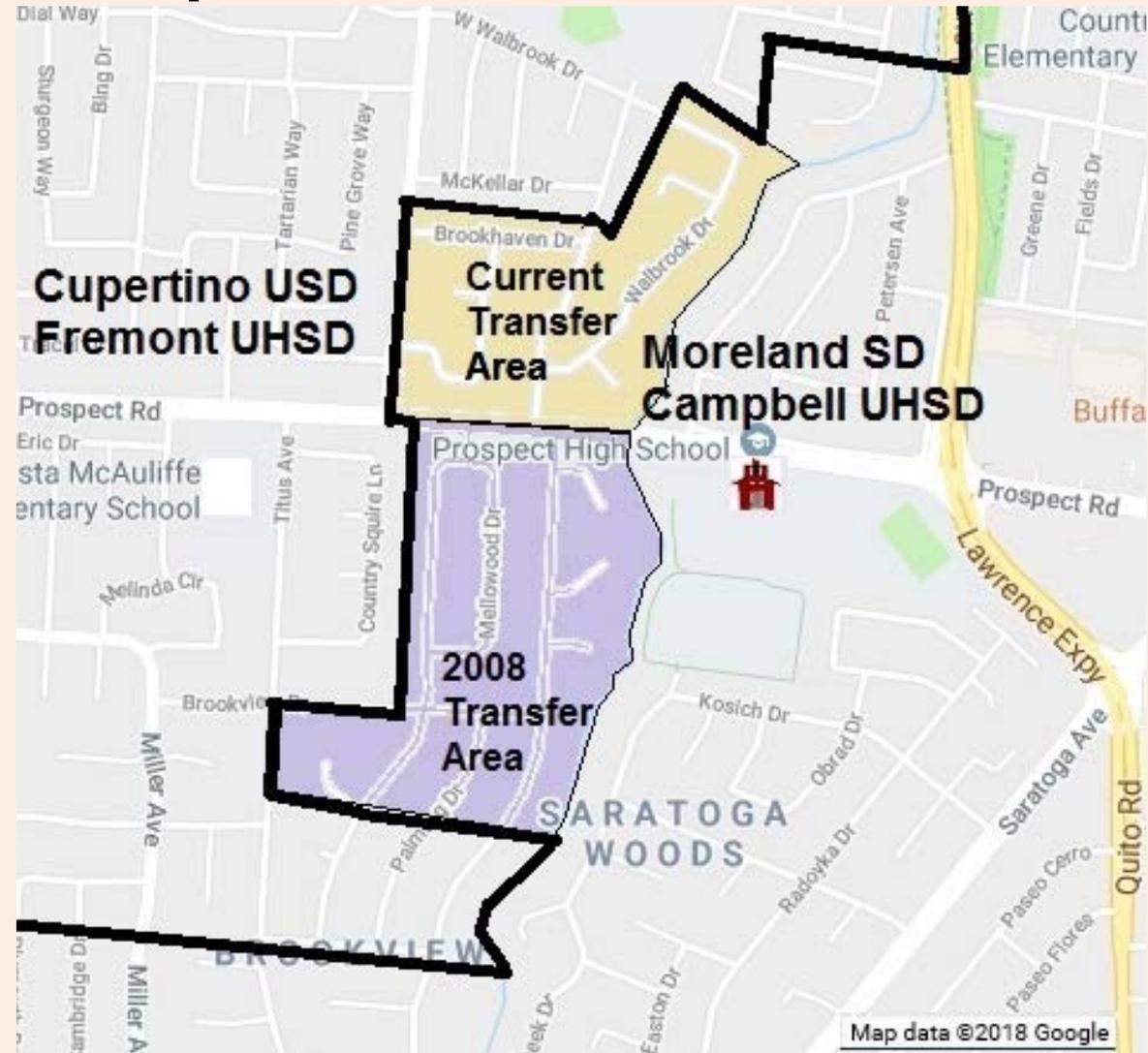
Westbrook Transfer Proposal

- Proposed transfer of 123 homes from Moreland SD and Campbell UHSD to Cupertino USD and Fremont UHSD.
- Currently, 20 students attend Moreland SD and 6 students attend Campbell UHSD.
- The proposed transfer area is directly across the street from another neighborhood considered by the SBE on appeal in 2008.



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Proposed Transfer Area





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Petitioner Reasons for Transfer

- Student safety: Home-to-school commutes to Moreland SD and Campbell UHSD schools are longer and more dangerous than commutes to Cupertino USD and Fremont UHSD schools.
- Community identity: Transfer area has a stronger sense of identity with neighbors who are in the Cupertino USD and Fremont UHSD.



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Map of Westbrook Area





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District Opposition

All four affected districts oppose the transfer because:

- All minimum threshold standards not substantially met.
- Precedent for future transfers.
- Significant increase to petitioners' property values.



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Other District Opposition Points

Moreland SD and Campbell UHSD state that future transfers will (1) increase financial obligations of remaining property owners and (2) negatively affect district finances and bonding capacity.

Cupertino USD and Fremont UHSD note that future transfers will (1) contribute to overcrowded facilities in the districts and (2) increase future construction costs.



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County Committee Action

The County Committee unanimously disapproved the transfer because it failed to meet two of the minimum threshold conditions of *EC* Section 35753. Specifically, the County Committee found that:

- Reorganized districts would not be organized on the basis of substantial community identity.
- Transfer would significantly increase school facility costs.



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EC Section 35753(a)(2)

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

County Committee Findings:

- No compelling argument that the transfer area is isolated from Moreland USD and Campbell UHSD.
- No evidence that commutes to Moreland and Campbell schools are less safe.
- Community identity arguments are not unique to proposed transfer area.



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EC Section 35753(a)(2): CDE Findings

- There is no burden on the petitioners to prove that the transfer improves community identity. Community identity threshold standard substantially met.
- There is no evidence of (1) differences in commute safety or (2) unique community identity circumstances.



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EC Section 35753(a)(7)

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

County Findings:

- Moreland SD and Campbell UHSD each would lose about \$1.25 million in bonding capacity.
- Enrollment is growing in Cupertino USD and Fremont UHSD; schools in Fremont UHSD are over capacity.
- Student generation calculations indicate enrollment in transfer area could be as high as 68 K-8 students and 36 high school students.



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EC Section 35753(a)(7): CDE Findings

- Assessed valuation in Moreland SD and Campbell UHSD has grown 40% over the past five years.
- Cupertino USD enrollment is declining; dropping by over 1,000 students since 2014–15.
- Fremont UHSD has increased by approximately 350 students since 2014–15; but the district projects enrollment declines for the future.



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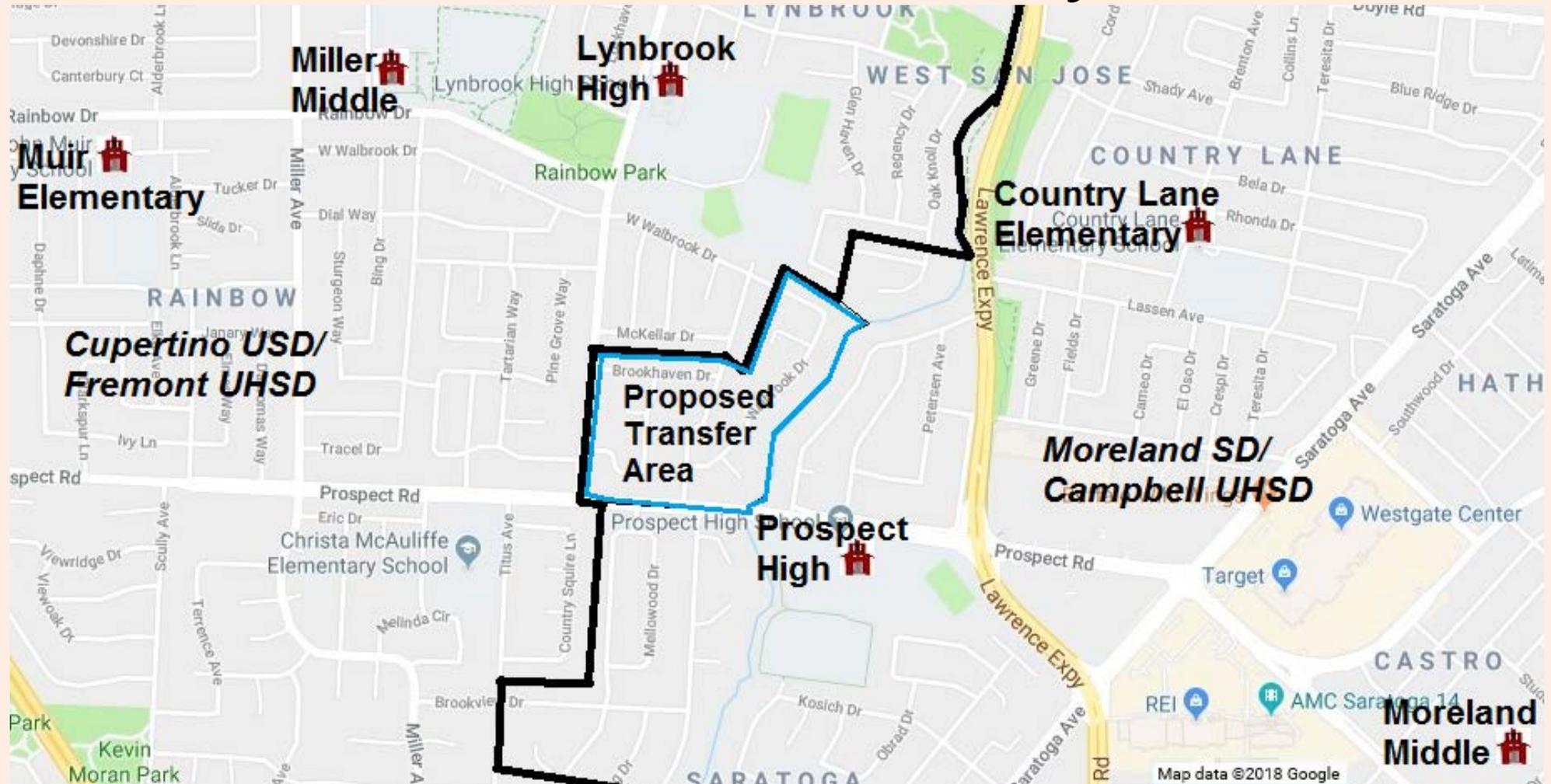
Petitioner Reasons to Approve Transfer

- Home-to-school commute safety: Commutes to schools in the Cupertino and Fremont districts are safer...students can walk or bike to the schools.
- Community identity: The area has greater identity with neighborhoods in the Cupertino district.
- Uniqueness: The neighborhood's unique conditions will not set a precedent for future transfers.



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Commute Safety





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Unique Community Identity





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Encouragement of Future Transfers

- Area-wide study of reorganization options notes that transfers will shift issues to adjacent areas.
- All districts express concerns that approval will encourage future transfer requests.



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Other Potential Concerns

- Enrollment growth from future transfers may place pressure on the future ability of Fremont UHSD to house and educate students.
- Future transfers may cause fiscal difficulties for Moreland SD and Campbell UHSD due to loss of assessed valuation and students.
- Transfers increase property values of petitioners.



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Summary

- CDE finds all minimum threshold conditions met, including the two the County Committee determined were not met.
- CDE finds no reason compelling enough to overturn the County Committee's disapproval.
- CDE finds concerns substantial enough to warrant upholding County Committee action.
- CDE recommends the SBE affirm the County Committee disapproval of the transfer.



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SBE Action

- The SBE may affirm or reverse the County Committee's decision to disapprove the proposed transfer of territory.
- If the SBE reverses the action, thus approving the territory transfer, it must establish an election area.