

CONTRA COSTA COUNTY BOARD OF EDUCATION
Serving in the Capacity as the County Committee on School District Organization

Contra Costa County Office of Education
The Ronald L. Stewart Center
77 Santa Barbara Road, Pleasant Hill, California

May 25, 2005

ROLL CALL

Pamela Mirabella, David Krapf, Daniel Gomes, Glenn Ruley, and Daniel Borsuk.

ABSENT

None.

OTHERS

Ellen Elster, Peggy Marshburn, Terry Foley, and Laura Dorsey Huerta, County Office of Education staff; Mary Ann Mason, Deputy County Counsel and legal counsel to the County Committee on School District Organization; and Gloria Johnston, Superintendent of West Contra Costa Unified School District (WCCUSD); WCCUSD Governing Board Members Glen Price, Charles Ramsey, Karen Pfeifer, Karen Leong Fenton, and Dave Brown; Michael Roth, Superintendent of John Swett Unified School District; JSUSD Governing Board Members Norma Clerici, Jim Delgadillo, Janet Callaghan, and Holly Myers; Alan Hersh.; WCCUSD General Counsel; Ruth Vedovelli, Assistant Superintendent of Fiscal Operations, WCCUSD; Harold Freeman, WCCUSD Counsel; Charlotte McIntire, Richmond; Tom Lynden, Hercules; Gerard Boulanger, Hercules; Sherry Madfes, Hercules; JoAnna Mina, Hercules; Ihsan Enz, Hercules; Susan Fuerstenberg, Hercules; Margaret Rubio, Hercules; Kevin Rivard, Richmond; Erica Stichner, Hercules; Lolita Nacelli, Hercules; Linda Jane Kole, Pinole; Steve Morrow, Pinole; Shawn Niles, Hercules; Kimberly Hardison, Hercules; Dennis Wong, Hercules; Althea Zane Hathaway, Hercules; Shirley and John Gotelli, Hercules; Liz Warmerdam; City of Hercules; Patrick Tang, Hercules; Lisa Dwiggin, Crockett; Charlene Gordon, Pinole; John and Jannine Ciraulo, Hercules; Peter Chong, Hercules; Cindi Erickson, Rodeo; Robert Reber, Hercules; Martin and Rukshana Suazo, Hercules, Myoung Kang, Hercules; Kenneth and Brandon Sullivan, Hercules; Jan Howes, Hercules; Jacques Corriveau, Hercules; Tony Tuttle, Hercules; Michael Dirk; Annemary Franks, Hercules; Donna Feingold, Hercules; Rosa Mona, Rodeo; Sarah Creeley, Hercules; Sara Tregenza, Hercules; Nenita Taraya, Hercules; Josephine Agapito, Hercules; Ingrid Elidrissi, Hercules; Andrew Walters, Hercules; Vincent Taboada, Hercules; Carol Lynden; Sharon Fogelson, Suisun; Brenda Souza Hudson, Hercules; Leila and Chaneki Flores, Rodeo; Nanette Mainim; Henry and Glenda Thom, Hercules; Kathy Rollins; Mary Ann Glasser, El Sobrante; Margaret Lucke, Hercules; Lori Chinn, Hercules; Anton Jungherr, Hercules; Vincent Matthews, Hercules; Arlene Hatfield, Crockett; Keith Stichwell, Hercules; Debra Reed, Hercules; Steve Holland, Hercules; Paul Freese, Hercules; Eric and Connie Jorgensen, Hercules; Gina Vonela, Hercules; Alan Blair, Hercules; Bernard and Rolando Bautiste, Hercules; Michael Labon, Hercules; Nadine Doyle-Mason, Hercules; Peggy Briganti, Hercules; Al Kirkman, Pleasanton; Geronimo; Lita Doctolero, Hercules; John Monks, Richmond; Andrew Walters, Hercules; Mike Ali; Lisa Perez; Willie Cobb; Leonard Washington, Hercules; Joseph Catindig, Hercules; Elizabeth and Dezerai Monsanto, Hercules; Larry Phillips, Hercules; Charlene Gordon, Pinole; Dr. Jose Enz; Hercules; Cheryl Bennett, Hercules; Bill Prather, Hercules; Ed Sharp, Hercules; Christie Vincent; Hercules; Sharon Calonico, Hercules; Renee Powell, Hercules. A partial list of attendees is on file at the County Office of Education.

PRESIDING

Daniel Borsuk, Chairperson

The meeting of the Contra Costa County Committee on School District Organization, which took place at Hercules Middle & High School, 1900 Refugio Valley Road, Hercules, California, 94547, was called to order at 5:45 p.m. with the recitation of the Pledge of Allegiance.

PUBLIC COMMENT

Items Not on the Agenda

None.

CLOSED SESSION

The County Committee on School District Organization convened in Closed Session at 5:45 p.m. for a conference with legal counsel to discuss anticipated litigation [Government Code section 54956.9(b)]. At 6:02 p.m., Chairperson Daniel Borsuk reconvened to open session and announced that no action was taken in Closed Session.

PUBLIC HEARING

Petition Received from Brenda Souza Hudson, Shirley Gotelli, and Susan Pricco, Chief Petitioners, to Transfer Territory from West Contra Costa Unified School District to John Swett Unified School District

Chairperson Daniel Borsuk convened the Public Hearing on the Petition Received from Brenda Souza Hudson, Shirley Gotelli, and Susan Pricco, Chief Petitioners, to Transfer Territory from the West Contra Costa Unified School District to the John Swett Unified School District at 6:02 p.m.

Chairperson Daniel Borsuk explained that the purpose of this hearing would be to obtain information from the local community to assist the County Committee in making its determination regarding the feasibility of the proposed reorganized school districts. He invited members of the public to submit speakers' cards if they wished to offer comments during the public hearing. In addition, he invited members of the public to submit written statements if time constraints did not allow for everyone to present comments this evening to the County Committee. Mr. Borsuk also provided a brief historical background on the County Committee and its purpose.

Ellen Elster, Deputy Superintendent of the Contra Costa County Office of Education and staff person to the County Committee on School District Organization, directed the public's attention to a table at the back of the room that had a large map on it displaying an aerial view of the subject areas. She also gave some background on the petition dated February 24, 2005, received from Brenda Souza, Shirley Gotelli, and Susan Pricco, Chief Petitioners, to transfer territory from the West Contra Costa Unified School District to the John Swett Unified School District pursuant to Education Code section 35700(a). She provided the following information to the public: The County Superintendent of Schools and the Contra Costa County Registrar of Voters found the petition to be sufficient and signed as required by law, and the petition was transmitted to the County Committee on School District Organization and to the State Board of Education pursuant to Education Code section 35704 on March 25, 2005; an issue exists that may affect the County Committee's ability to process this petition to conclusion; Education Code 35706.5 provides that when a school district has received an emergency loan from the State and 70% of its student population comes from homes below a certain income level, an action to reorganize the boundaries of the district cannot be completed unless the governing board of the district consents to the reorganization; the WCCUSD has just submitted information that it believes will establish that the district falls into that category; and if this is the case, by law, the County Committee would not be able to process the petition to completion unless the district's governing board consents; this issue has not been resolved yet, and the County Committee will schedule a hearing on this issue at a later date and will not be addressing this matter tonight; pending resolution of this issue, the petition will be processed according to the usual procedures; in accordance with State statutes, within 60 days from receipt of a petition, the County Committee must hold at least one public hearing within the affected districts, and it has 120 days from the first public hearing to study the proposal and make a recommendation on its feasibility to the State Board of Education; on behalf of the County Committee, a study is under way to evaluate this proposal and will include information provided by the affected districts and the Chief Petitioners; information will also be gathered from State resources and other interested parties; the study will continue over the next four months, and if the County Committee were to approve the proposal, the proposal would go to an election and the area of the election would be determined by the County Committee; if the County Committee were to disapprove the proposal, the process would end; an appeal of the decision of the County Committee could be made to the State Board of Education; however, she noted that the State Board of Education has no timeline in which action must be taken. In conclusion, she called the public's attention to the information packet, which includes information required by Education Code section 35705.5(b) to be made available to the public regarding the proposal (information on the rights of employees, governance structure, revenue limits, and the election issues related to the proposal).

Chairperson Borsuk explained the process that would be followed during the hearing: The Chief Petitioners would have 15 minutes to present their proposal, each affected district would also have 15 minutes to make their presentations, and members of the public would then have two minutes per speaker to offer comments. He noted that if someone did not have an opportunity to finish his/her comments due to time constraints, that person should submit his/her comments in writing to the County Committee. At the end of the public comment period, the Chief Petitioners and affected school districts would be given five minutes each to respond, after which the County Committee would adjourn the meeting.

Chief Petitioner Brenda Souza-Hudson addressed concerns that were voiced at the hearing that took place on this matter on May 19, 2005, in Rodeo. She noted that at tonight's hearing the County Committee would hear Hercules residents' concerns about providing their children with the best education possible in the safest, cleanest environment. She further stated that they would like to become part of a responsible, accountable, efficient school district of which they can be proud and for which they will have respect. She urged WCCUSD to consider the long view and pointed out that it would cost more to keep Hercules than to let it go. She suggested that, instead of spending funds to fight their proposal, that money might be better spent in classrooms. She also urged the JSUSD community to consider the long view, since change is inevitable, and if the JSUSD community does not seize this opportunity, it may have little or no control over what that change will be. She also urged the County Committee on School District Organization to consider the long view by looking at the facts and judging the unlikelihood of the populations of Crockett, Rodeo, and Port Costa increasing in order to save the JSUSD in time. She stated that the proposed transfer of property would provide mutual benefits for the students of the JSUSD and Hercules, as it would be the only reasonable solution for the students of the JSUSD and would be the best option for the students of the Hercules community. This proposed territory transfer may also force the WCCUSD into reevaluating its priorities and whipping itself into shape. Lastly, she urged the County Committee to allow the process to continue by bringing the issue to a vote.

Susan L. Pricco, Chief Petitioner and Chair of For the Kids We Care, addressed comments made at the May 19 hearing in which the speaker stated that she was speaking on behalf of the 84 teachers of the Hercules Middle & High School. She noted that she has been informed that that person was not in a position to speak for those teachers and that many of them do not agree with her. She also referenced comments of a representative from the United Teachers of Richmond who spoke at the May 19 hearing in opposition to the proposed territory transfer; however, earlier in the month, the same organization publicly stated at a WCCUSD school board meeting that a survey of its membership indicated that 94% of its members declared no confidence in Superintendent Gloria Johnston. She pointed out that it would be unlikely for the WCCUSD to close schools, as stated by Dr. Johnston at the last hearing, if the proposed transfer proves successful, and that Dr. Johnson would have nothing to do with any possible school closures in the JSUSD. She informed the County Committee that, during the past two years, members of For the Kids We Care have talked to members of the JSUSD board; have attended their board meetings; have queried administrators, teachers, and students; have familiarized themselves with that board's issues; have heard their concerns for current and future student needs; and have appreciated the seriousness with which the JSUSD board approaches its tasks. She conceded that it is reasonable for a receiving district to be cautious, concerned, or anxious as it moves from being a small school district to becoming a mid-sized school district. She addressed her group's concerns about the City of Hercules having to work with the needs of two school districts, and she contended that the community of Hercules is denied the privilege of identification with one school district. She called the County Committee's attention to the ten-year enrollment projection prepared by JSUSD and that district's interim report from December 2004 to confirm the critical nature of JSUSD's enrollment decline. She also alluded to a study commissioned by the JSUSD governing board in which over 57% of those surveyed appeared to support a merger of Hercules and the JSUSD. She stated that the students in the JSUSD would benefit from the proposed territory transfer because there would be more class offerings and additional alternatives for a comprehensive curriculum in a small high school, and it would infuse much-needed funds to ensure a future for the JSUSD. For Hercules, it would open up avenues of communication in which concerns would be addressed more quickly and effectively, since it is more difficult to address governance issues in a large district. She stated that this would create a real bridge to involving parent involvement, which is the single most important factor for student achievement. She thanked the County Committee for its time and consideration of this matter, expressed her group's willingness to answer any questions, and encouraged a speedy response.

JSUSD Superintendent Michael Roth acknowledged the four JSUSD governing board members in attendance: Norma Clerici, Jim Delgadillo, Holly Myers, and Janet Callaghan. He then introduced Board President Norma Clerici and invited her to address the County Committee. Mrs. Clerici informed the County Committee that the JSUSD Board has not yet taken an official position on this issue and board members are keeping their minds open to the arguments, both pro and con. Speaking as an individual governing board member, she noted that there are many small school districts (2,500 students or less) that are viable and that they tend to have better test scores than very large districts do. She also reiterated a statement from the last hearing that it is her belief that the JSUSD does not have limited options. She also remarked on how the JSUSD is able to serve its students individually and that she has concerns that the district would not be able to continue to do that if its student population triples as a result of a transfer of territory into JSUSD. She also expressed concerns as to whether children living in Crockett, Hercules, Port Costa, and Rodeo would be able to continue to attend schools in their own community if the proposed transfer is successful. She stated further that, contrary to statements made earlier by For the Kids we Care, the majority of JSUSD board members and citizens in the district are not convinced that their district needs to be saved. Currently, she noted, the district offers a “Careers Academy” program that is unique to JSUSD. She also expressed concerns about the possibility that the JSUSD’s special education encroachment might double or triple if the transfer of territory should be approved. She pointed out that she has personally gathered and shared with the County Committee enrollment figures for the JSUSD from 1965 to the present, and she maintained that current enrollment is up 169 students from its lowest enrollment (in 1986), which she feels is an indication that the enrollment is slowly beginning to grow. Lastly, she stated that she hoped that before the JSUSD governing board votes to endorse or oppose the proposed transfer of territory, it will consider the bond indebtedness that a consultant, Dr. Hayward, predicted might be greatly increased by such a transfer.

JSUSD Governing Board Member Jim Delgadillo spoke that he predicts there will no winners in this matter regardless of the outcome. He stated that he, along with members of the community, has attended the hearing in search of answers.

JSUSD Superintendent Roth informed the County Committee that the first-ever Open House Night is taking place at the Rodeo Hills Elementary School, and, therefore, many teachers and parents who may have wished to attend tonight’s hearing were unable to do so. However, the presence tonight of four out of five governing board members, himself, and members of the JSUSD community indicates the serious concern with which they are paying attention to this process and the County Committee’s deliberations. With regard to the matter of declining enrollment, he noted that a demographic study was prepared by Consultant Tom Williams covering the years 1999 to 2009 indicating that there was “no silver lining in this cloud.” Because of the demographics of the communities of Crockett, Rodeo, Port Costa, and Foxboro, it was determined that no room exists for major new housing developments to be built. However, he agreed with JSUSD Board President Norma Clerici that the enrollment has gone up and down in the past, but the demographic study that his district is using requires that they project an enrollment decline. He attributed the small “bump” in enrollment figures for this year to the opening of the new elementary school in Rodeo and to the Careers Academy, which has attracted more students to John Swett High School. He reiterated that the JSUSD governing board has not yet taken an official position on this matter. He and his board awaits with interest and concern the study that the County Committee’s consultant is preparing and the conclusion of the County Committee’s deliberations.

Representing WCCUSD, Governing Board President Glen Price welcomed the County Committee to the Hercules Middle & High School and remarked on how the building of this new facility serves as a reminder of the unity through which the Hercules and West Contra Costa communities were able to come together. He then introduced WCCUSD Board Members Charles Ramsey, Karen Pfeifer, Karen Leong Fenton, and Dave Brown; WCCUSD Superintendent Gloria Johnston; Ruth Vedovelli, Assistant Superintendent of Fiscal Operations; Alan Hersh (General Counsel), and Harold Freeman (Counsel). He stated that the WCCUSD governing board has also not yet taken an official position on this matter, and he thanked members of the community who have taken the time to dialog this evening. He also stated that he fundamentally agrees with the Chief Petitioners on one issue: to do what would be best for the kids. He stated that he personally

believes that the proposed transfer of territory would not be good for kids in Hercules, kids in the JSUSD, and kids in the WCCUSD. He stressed that a district like the WCCUSD, which has had such a history of financial issues and is currently under a state trustee, needs every dollar to investment in education, and should not be subject to spending resources on procedural matters such as this one. He also stated that the petition itself states that the WCCUSD would lose \$4.4 million, and the WCCUSD feels that that figure is grossly underestimated, but even if the \$4.4 million figure is true, the loss of these funds would have a huge effect on the district. Also, he noted that the actuarial analysis places the liability for the WCCUSD for lifetime health benefits at \$952 million, a part of which would shift to the JSUSD if the proposed transfer of territory occurs. Also, he noted that a portion of the emergency apportionment loan that the WCCUSD had to take on, as well as the bonded indebtedness, would shift to JSUSD. He encouraged the County Committee to take the full 90 days allowed to analyze these important issues.

WCCUSD Governing Board Member Charles Ramsey agreed with the reasons against the territory transfer that were outlined by Mr. Price, and he added that reformulation of attendance boundaries and patterns would have to take place, which would disrupt the education program and process. He also discussed the funds that have been expended on building and beautifying the schools in the Hercules area.

WCCUSD Governing Board Member Karen Leong Fenton stated that over the 11-year period that she has served on the WCCUSD board, she has seen many attempts to separate the district into smaller components, and she perceives part of the problem is that WCCUSD is very diverse and covers five cities and part of the county. She noted that a very large number of the WCCUSD students are poor and there is constantly a struggle among various economic groups to get their fair share of services. She also disagreed that the WCCUSD is too large and noted that Mt. Diablo USD, Oakland USD, and San Francisco USD are all larger districts. The challenge facing the WCCUSD is its diversity, and she mentioned that she would rather see the WCCUSD providing services on contract to JSUSD because their larger district can provide more programs than the smaller JSUSD can (e.g., food service, special education assistance, facilities assistance) and this might be a better solution to some of the issues raised.

WCCUSD Board Member Karen Pfeifer questioned why the Foxboro residents of Hercules have not petitioned to join the WCCUSD. She then shared the API scores for the schools in Hercules, which are among the highest in the district, and she credited these high scores to the fact that some of the most experienced and most educated teachers teach in the WCCUSD. She pointed out that these teachers value their livelihood and will stay with the WCCUSD. She urged the County Committee to keep the WCCUSD intact.

WCCUSD Superintendent Gloria Johnston stated that it would be unlikely for their teachers to leave the district in the case of a territory transfer because they would be leaving behind their lifetime retirement benefits and take dramatic cuts in salary. In addition, she believes that the district's classified staff would not be willing to leave the WCCUSD. Lastly, she stated that, as a result of these issues, the proposed transfer would impact the educational program of all of the district's students.

The following members of the public spoke in favor of the proposed transfer of territory: Willie Cobb, Lisa Perez, Charlotte McIntire, Mike Ali, John Monks, Tom Lynden, John Gotelli, Andrew Walters, Holly Myers, Leila Flores, Henry Thom, Tony Tuttle, Margaret Lucke, Sharon Calónico, Renee Powell, Cindi Erickson, Lida Doctolero, Patrick Tang, Vincent Matthews, Annemary Franks, Paul Freese, Jeff Bennett, Kevin Rivard, Robert Reber, Myoung Kang, Ed Sharp, Bill .Ciraulo, Shawn Niles, Cheryl Bennett, Dr. Jose Enz, Larry Phillips, Dezerai and Elizabeth Monsanto, Josephine Agapito, Peter Chong, Joseph Catindig, and Connie Jorgensen. Their reasons included the following: the WCCUSD board has a history of saying one thing and then reversing itself immediately afterward; desperate times take desperate measures; the children are not learning as evidenced by declining API rankings in WCCUSD; in comparison to the rest of Contra Costa County, the state data indicate that WCCUSD students in all grade levels and all

subgroups are lagging in overall educational performance; the district is too large and poorly managed; safety and security problems are receiving national attention; the WCCUSD has lost the focus of education; there is excessive bureaucracy and too many highly paid consultants; the WCCUSD creates barriers to learning for principals, teachers, parents, and students; partly to blame is the WCCUSD's consistent use of administrative transfers of troublemakers from school to school, causing safety and security problems; parents are transferring their children to other school districts, charter schools, and private schools as a result of problems with the WCCUSD; the proposed transfer would result in a smaller, more efficient, and more manageable WCCUSD; the facility investment in Hercules claimed by the WCCUSD actually involved monies that came from the state or through taxes received from home purchases in Hercules, not from the district; some of the once highest performing schools in the WCCUSD have since become some of the lowest ranked schools in California; the state ranking of Hercules schools is declining, but the WCCUSD leadership states the scores are improving; this may be the last chance for the Hercules community to become a part of a smaller, well-managed district; the WCCUSD administrators no longer have a vision for improving the schools; the WCCUSD has resigned itself to the status quo and spends too much on administration; reducing the number of schools in the WCCUSD would give that district the opportunity to reduce their overhead; the issues of Hercules and central Richmond have nothing in common, so the WCCUSD would benefit from working on only one set of problems; a better education is needed for students to become more competitive for acceptance at colleges, and the WCCUSD has not served their interests well; the JSUSD needs funds that the Hercules community can bring with it to help provide counselors, education programs currently not being offered, and higher salaries for JSUSD teachers; mismanagement, not diversity, is the problem with the WCCUSD; the proposed transfer of property gives the Hercules community the best chance to have good schools because of the stronger sense of community; it would be a better use of community resources to have local resources used mainly for local students; the WCCUSD board ignores Hercules' concerns; the sheer size of the WCCUSD makes it unmanageable and it is slow to address local concerns; the needs of the high-performing students are not being met by WCCUSD; the Hercules schools have been left on their own to make things work as best as they can while the WCCUSD focuses its attention elsewhere; as a result, many of Hercules' high-performing students are leaving Hercules schools because they can no longer tolerate the inefficiency of the WCCUSD; despite many outstanding teachers, the WCCUSD schools are plagued with many serious problems largely as a result of an overworked, out-of-control district; there is a steady increase in campus-wide violence in the WCCUSD coupled with a woefully inadequate security staff; the size and very nature of bureaucracy has resulted in a breeding ground for complete lack of accountability by the WCCUSD; the WCCUSD puts its own political agenda before the needs of the students and the community; the proposed transfer of property would result in a better learning environment for both Hercules and JSUSD students and may alleviate problems at the overburdened WCCUSD; benefits of the proposed transfer of territory include the increased student base and economic benefits to the JSUSD; because of intradistrict transfers of students who live outside of Hercules, but inside the boundaries of the WCCUSD, there is not enough space available at neighborhood schools for the students of Hercules residents; a Public Records Act request for information on the WCCUSD's transfer policy has gone unanswered by that district for nearly 100 days; buses filled with rude, cursing students can be seen arriving at Hercules schools from out of the area; the WCCUSD does not listen to Hercules residents' educational and safety concerns; the WCCUSD has ignored Hercules residents' complaints about the condition of the campuses, including landscaping main-tenance issues, but now that this territory transfer request is being considered, the WCCUSD has suddenly found money to beautify the Hercules campuses, which appears to be that district's attempt to buy off the residents of Hercules; contrary to earlier comments, many Hercules parents are involved with their schools; WCCUSD offers half-truths, innuendos, and misrepresentations, which mislead good citizens and which are scare tactics and bullying tactics; the affected communities have the right to explore all of the options that might benefit the education of their youth without the interference and intimidation of bureaucratic government entities struggling for their own survival; a smaller district, such as JSUSD, would be more responsive to the needs of the children; the Hercules community would have more control of financial resources that are currently being spread thinly throughout the WCCUSD and would allow those funds to be controlled at the school site level instead of at the district level; eventually the total amount of bonds needed to complete all the projects in WCCUSD will be over \$1 billion, and the home and business growth in Hercules will be subsidizing all of WCCUSD schools with only a portion returned to the Hercules area; therefore, this is incurring more debt out of proportion to the benefits; the WCCUSD had its chance, but now a change, such as a reorganization, needs to be

made; there is wide-spread support for the proposed territory transfer; the promises made this evening by WCCUSD 25 years ago are the same promises made 25 years ago, and those promises no longer sound credible; the WCCUSD has failed to provide Hercules Middle & High School with two principals, just the one principal for the past four years, and until recently it provided only one and a half vice principals, which is evidence of poor treatment extended to the Hercules area.

The following members of the public spoke in opposition to the proposed transfer of territory: Sharon Fogelson, Al Kirkwood, Kathy Rollins, Sarah Creeley, Lisa Dwiggin, Linda Jane Cole, Dave Brown, Charlene Gordon, Joseph Leonard, and Christie Vincent. Their reasons included the following: if the proposed transfer should occur, the members of the West Contra Costa Administrators Association will exercise their right to remain employees of WCCUSD; JSUSD would not have the resources to assume the indebtedness of the WCCUSD; Special Education programs, which are required under stated and federal mandates, would place a financial burden on JSUSD; it was suggested that parents and community members who are dissatisfied with the Hercules schools should become involved in site councils and PTAs and work as volunteers in order to address their concerns; this appears to be a case of a rich community that is part of a large area with impoverished students; if the proposed territory transfer is successful, many teachers will be bumped and will lose their jobs; it appears that a vocal minority is ruling the rest of the people; in terms of classified employees, although they would not lose their salaries and benefits for the duration of the current contract, a new contract would have to be reached with the JSUSD when it came up for renewal; since classified personnel are not given a choice of staying with WCCUSD, there are a lot of senior classified employees who work in the Hercules schools that would face salary cuts and the loss of lifetime benefits if they were to become employees of the JSUSD; WCCUSD's classified employees would also be required to give up their seniority rights and transfer rights if the proposed transfer were to go through; a number of excellent teachers will not be able to afford to stay and teach at Hercules schools; JSUSD is a struggling district that does not need to take on additional debt; successful programs, grade-level teams, and community relationships with the schools in Hercules will be dismantled if the proposed territory transfer occurs; if the Proposition 98 funds had been restored to schools this year, the WCCUSD would have received \$10 million more, so concerns that people have about available resources would be moot if this money had been received; API scores were shared that indicated that schools in Hercules have scored higher than the schools in JSUSD; the WCCUSD board does hear the concerns of the Hercules community; the excellent programs in WCCUSD would be interrupted throughout the district; Hercules Middle & High School produced many excellent graduates this year, who are now going on to good colleges throughout the United States; this proposed transfer of territory is comparable to "throwing out the baby with the bathwater"; transferring out of WCCUSD would make Hercules a magnet community; the community should empower its students by giving them the tools they need to succeed.

Chairman Daniel Borsuk invited the both school districts and the Chief Petitioners to make closing comments.

In his closing comments, JSUSD Superintendent Michael Roth thanked the County Committee for conducting tonight's hearing and stated that he would await the results of its deliberation.

WCCUSD Superintendent Gloria Johnston stated in her closing comments that she believed it to be highly unlikely that any of the district's highly qualified and outstanding, teachers, principals, counselors, and librarians would remain if the proposed transfer of territory occurs because they would lose their income and be forced to give up their lifetime benefits. She clarified that state law allows open enrollment so that students throughout the WCCUSD may transfer to other schools in the district, and, therefore, not only do students transfer to the Hercules area, but hundreds of Hercules students also transfer to other district schools that serve their needs better. In the past three years, the WCCUSD has built three new schools in Hercules that were funded by local taxpayers and developers as well as state and federal sources, and the district is seeking to build a new middle school in Hercules. She also stated that schools in both the WCCUSD and JSUSD are currently under-enrolled, and, in fact, over 40% of the school districts in California are undergoing declining enrollment. Therefore, she believes that it is likely that at least one school would have to be closed in the JSUSD if the proposed territory transfer is successful. Student opportunities to participate in certain academies and advanced placement classes would be lost, as

would opportunities for No Child Left Behind transfers. Also, disruptions to students with disabilities would be immense, as WCCUSD has a very large special education program, which allows the district to offer great opportunities to students to meet their needs, and JSUSD would be overwhelmed with the number of special education students it would receive. Lastly, after 40 years in education, she sees nothing in this secession movement that would improve the education for the students in Hercules or in JSUSD. WCCUSD Board President Glen Price lauded the members of the WCCUSD Board for their excellent work. He explained how difficult it is to effect change, and he expressed the opinion that running away from problems is not the way to effect change, but, rather, it is better to work together to make things better.

Chief Petitioner Susan Pricco pointed out the following with regard to issues that were brought up: she disputed that there would be no winners if the proposed territory transfer is successful; she stated that the students must be and should be the winners; she disputed the demographic figures supplied by Mrs. Clerici because the average age of students in the JSUSD is creeping upward, which may cause enrollment to decline; she noted that the state and developers' fees paid for the lion's share of the cost to build Hercules Middle & High School and that the Hercules community had to beg for over ten years to get the school built; however, it has been a continuing bone of contention that having the school built as a joint facility has allowed sixth graders to attend classes on the same campus as twelfth graders; she disputed Mr. Price's disagreement with the \$4.4 million figure in the petition for what is spent on Hercules students, and she explained that the figure is one that comes directly from the WCCUSD budget; however, regardless, she reminded the County Committee that the WCCUSD annual budget is approximately \$260 million, which makes the \$4.4 million look quite small in comparison; she reiterated that Measure G, which failed by 420 votes out of 3,300 votes in 2001, was an advisory measure placed on the ballot by the Hercules City Council, but in 2005 For the Kids We Care collected over 5,000 signatures in support of its petition; she noted that she would like to see this matter come before the voters of Hercules again; she reminded Dr. Johnston that the number of teachers who be affected by the transfer of territory would probably be less than the number of WCCUSD teachers who leave of their own accord or who are "pink-slipped" very year. She expressed the opinion that the JSUSD would properly manage the fiscal obligations that would come with the community of Hercules and would come out ahead. Lastly, she stated that the County Committee could either deny the petition and leave the JSUSD to its ultimate destiny or approve the petition so that the people of Hercules, Rodeo, Crockett, and Port Costa will have the opportunity for a future of excellence in education.

There being no further public comment, Chairperson Borsuk closed the hearing at 8:56 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:56 p.m.

Ellen Elster, Secretary Designee
County Committee on School District Organization

These unadopted minutes are summaries and excerpts from the meeting of May 25, 2005, and are subject to amendment and/or correction prior to the approval of the County Committee on School District Organization.