

# Legislative Update and Decennial Federal Census Adjustment to Trustee Area Boundaries



Orange County Department of Education Legal Services

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# Topics to be Covered

- ▶ Legislative Update - SB 442 (Newman)
- ▶ Decennial Federal Census Adjustments to Trustee Area Boundaries
  - ▶ Education Code section 5019.5 (School Districts and Community College Districts)
  - ▶ Education Code section 1002 (COE)

# SB 442 Will Allow School Districts to Adopt Trustee Areas Without Voter Approval

- ▶ Effective on January 1, 2022, Education Code section 5020 allows a county committee on school district organization to approve a school district or community college district's adoption of a by-trustee area election method, without the need to call an election to seek voter approval.
- ▶ Historically, once the County Committee approved a school district's proposal to change from an at-large method of election to a by-trustee area method of election, the school district was required to either seek voter approval by placing the matter on the ballot or request a waiver of the election requirement from the State Board of Education.

# SB 442 Streamlines the Process

- ▶ In order for the County Committee to approve the school district's proposal to establish a by-trustee area method of election without satisfying the election or waiver requirement, the County Committee's resolution must include a declaration that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001.
- ▶ The resolution will take effect upon adoption by the County Committee and will govern all elections for the district governing board members occurring at least 125 days after the adoption of the resolution.

# Delayed Release of 2020 Federal Census Data

- ▶ Every ten years, a new U.S. Census is conducted and school districts, community college districts and county boards of education (school agencies) that use by-trustee area election systems to elect their governing boards, are required to adjust the boundaries of those trustee areas based on the population counts from the most recent federal census.
- ▶ Typically, redistricting data from the U.S. Census Bureau would have been released in March 2021. However, due to COVID-19, redistricting data was delayed and not available to school agencies until September 2021.

# Education Code Section 5019.5(a)

## School Districts and Community College Districts

Based on federal census data, the governing board of each school district or community college district in which trustee areas have been established, and in which each trustee is elected by the residents of the area the trustee represents, shall adjust the boundaries of any or all of the trustee areas of the district so that one or both of the following conditions is satisfied:

1. The population of each area is, as nearly as may be, the same proportion of the total population of the district as the ratio that the number of governing board members elected from the area bears to the total number of members of the governing board.
2. The population of each area is, as nearly as may be, the same proportion of the total population of the district as each of the other areas.

# Education Code Section 5019.5(b)

## School Districts and Community College Districts

- The governing board of each school district or community college district must adjust the boundaries of the trustee areas by March 1, 2022.
- If the governing board fails to adjust the boundaries by that deadline, the County Committee is required to do so by April 30, 2022.
- The governing board of the school district or community college district would be required to reimburse all reasonable costs incurred by the County Committee in adjusting the boundaries based on the federal census data.

# Education Code Section 1002(a)

## County Board of Education

Upon being so requested by the county board of education, the county committee on school district organization, by a two-thirds vote of the members, may either change the boundaries of any or all of the trustee areas of the county, or propose to increase or decrease the number of members of the county board of education, or both. The trustee areas shall be as nearly equal in population as may be, except that in establishing or changing the boundaries of the trustee areas the county committee may give consideration to the following factors:

- (1) Topography.
- (2) Geography.
- (3) Cohesiveness, contiguity, integrity, and compactness of territory.
- (4) Community of interests of the trustee areas.

In any event, the county committee shall ensure that trustee areas are as nearly equal in population as practicable.

# Education Code Section 1002(b) and (c)

## County Board of Education

(b) Following each decennial federal census, and using population figures validated by the Demographic Research Unit of the Department of Finance as a basis, the county committee shall adjust the boundaries of any or all of the trustee areas of the county board of education as necessary to meet the population criteria set forth in subdivision (a).

(c) Changes in trustee area boundaries or a proposed reduction in the number of county board of education members shall be made in writing and filed with the county board of supervisors not later than the first day of March of any school year.

# Constitutional and Federal Considerations in Adjusting Trustee Area Boundaries

- ▶ The Equal Protection Clause of the 14<sup>th</sup> Amendment provides: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.
- ▶ Race may not be the “predominant” factor in drawing trustee area boundaries.
- ▶ Bizarrely shaped trustee areas may be evidence that racial considerations predominate.
- ▶ The Voting Rights Act of 1965 is a landmark civil rights law that prohibits voting practices, including redistricting plans, that discriminate on the basis of race, color, or membership in a language minority.
- ▶ Voter dilution may exist when:
  1. Minority group is sufficiently large and geographically compact to constitute a majority of the voting-age population in a single member district.
  2. Minority group is politically cohesive.
  3. There is majority block voting.

# Orange County Board of Education Progress and Proposed Timeline

November 3, 2021	Redistricting Presentation and Proposed Maps <ul style="list-style-type: none"><li>• <a href="https://ocde.us/Board/Pages/2021redistricting.aspx">https://ocde.us/Board/Pages/2021redistricting.aspx</a></li><li>• <a href="https://youtu.be/7siuyDLhqB8">https://youtu.be/7siuyDLhqB8</a></li></ul>
November 3, 2021	Public Hearing on OCBE Redistricting <ul style="list-style-type: none"><li>• <a href="https://youtu.be/7siuyDLhqB8">https://youtu.be/7siuyDLhqB8</a></li></ul>
November 12, 2021	Deadline to Submit Map Plan Options for Consideration
December 1, 2021	Public Input and Hearing
December 8, 2021	Final Adoption



# QUESTIONS AND ANSWERS