



MARTINEZ UNIFIED SCHOOL DISTRICT

"Together we will ensure diverse paths to support all students to be college and career ready, equipped to compete and contribute in a global society."

SCHOOL BOARD

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February 27, 2018

VIA EMAIL

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Re: Information for February 28 Hearing

Dear Mr. Clark:

I understand that the President of the Contra Costa County Board of Education, Dr. Fatima S. Alleyne, has asked for clarification on several points regarding the Board's review of a proposal from the Martinez Unified School District to adopt trustee areas for future District elections.

SITE

ADMINISTRATORS

Alhambra High
Tom Doppe
Principal

Vicente Martinez /
Briones School
Lori O'Connor
Principal

Martinez
Junior High
Katie Martin
Principal

John Muir
Elementary
Kathy Frazer
Principal

John Swett
Elementary
Mike Camon
Principal

Las Juntas
Elementary
Crystal Castaneda
Principal

Morello Park
Elementary
Stacy Joslin
Principal

Martinez Adult
Education
Suzanne Murphy
Director

By way of background, the District's governing board members are currently elected through at-large elections. Last fall, the District received a letter from Kevin Shenkman, alleging that the continued use of this election system would violate the California Voting Rights Act ("CVRA"). He threatened to sue the District if it did not make the transition from at-large to by-trustee area elections. The Board was informed that no agency in California has successfully defended a CVRA lawsuit and those who have tried have incurred hundreds of thousands, if not millions of dollars, in attorneys' fees. Instead, the Board decided to begin the process to transition to by-trustee area elections and develop trustee areas to implement that system.

In developing trustee areas the District's governing board was required to comply with State and federal law. Among other factors, each trustee area is required to have a roughly equivalent population and the lines must generally be drawn to strengthen the relative influence of a minority group. Beyond these legal requirements, the District's governing board could, and did, consider a number of other "traditional redistricting criteria" including making the areas as compact and contiguous as possible, aligning the boundaries with man-made and natural boundaries, respecting communities of interest and incumbency, as well as other local considerations (i.e., school attendance boundaries). While there may be a large number of potential trustee area boundaries which could meet these criteria, ultimately the District's governing board found Scenario 7 best met these criteria.

Specifically, in response to Dr. Alleyne's questions the District is happy to provide the following responses:

At the January 8, 2018 meeting the school board chose to develop maps based on socio-economic status rather than ethnicity? Why did the board choose to focus on socio-economic status vs ethnicity given the nature of the letter sent by the attorney?

The letter sent by Mr. Sherkman indicated his belief that the continued use of at-large elections in the District would violate the California Voting Rights Act ("CVRA"). While the letter alleged such elections diluted the vote of Latinos in the District, it did not comment on how the District's governing board should develop boundaries for its trustee areas. The CVRA itself does not address how trustee area boundaries are drawn, in fact, once a school district transitions from at-large to by-trustee area elections the provisions of the CVRA are no longer applicable to the district.

During its consideration of the various maps/scenarios, the Board wanted to take into account as much information as possible about the demographics of the potential trustee areas. Thus, it asked its demographer to provide socio-economic data along with ethnicity data for each of the potential trustee areas. It did not choose to develop maps based on one factor over another (and is prohibited by law from doing so), rather given the similarity of the ethnicity distribution in each potential trustee area, the District's governing board was looking for additional information to help inform this important decision.

How does Map #3 compare based on socio-economic status to #7, which was approved? How do they compare in regards to trustee areas and ethnicity?

The District's presentation at the County Board meeting will review the demographics of the trustee areas in all maps/scenarios.

In general, however, in both Scenarios/Maps #3 and #7 the majority (if not a near-majority) of households have incomes between \$75,000 and \$200,000. Scenario #7 has slightly higher concentrations of households with incomes over \$200,000 (in Area 5) and households of incomes under \$25,000 (in Area 2). In regards to the ethnicity of citizen voting age population in each area (the statistic used by courts in reviewing how districting impacts minority voters), in Scenario 3 the highest percentage of Latino citizens is 18.60% in Area 2, whereas in Scenario 7 the highest percentage of Latino citizens is 20.64% in Area 2. In all Scenarios, including Scenario 3 and 7, the majority of citizens of voting age are White.

How does the proposed map ensure there is: "no vote dilution" or "impairment of minority groups' ability to elect their preferred candidate or influence the outcome of elections?"

The use of at-large elections can lead to "vote dilution" or "impairment of minority groups' ability to elect their preferred candidate or influence the outcome of elections." In general, a transition to by-trustee area elections is seen as reducing the potential for both impacts.

To further reduce this potential, where it is possible to create a trustee area of which a majority of citizen voting age population is part of a protected class (a racial, ethnic, or language group) such an area must be drawn. In the District's case, however, it was not possible to draw such a trustee area. Instead, the maps/scenarios considered and the map/scenario ultimately adopted by the

District's governing board sought to create as large a percentage of voters of a protected class in any one trustee area as possible.

How will this address "the history of discrimination or other voting practices that may enhance dilutive effects of at-large elections or the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process?"

In general, the transition from at-large to by-trustee, in and of itself, cannot fully address any history or discrimination. (A history of discrimination is one of the criteria the law suggests a court consider when reviewing whether use of at-large elections may violate the CVRA). As noted above, however, the legislative history of the CVRA suggests that transitioning from at-large to by-trustee area elections will eliminate the "dilutive effects of at-large elections" and could increase the ability of members of protected classes to more effectively participate in the political process.

Why was there a concern about 2 trustees in one area? Doesn't that just mean that only one would be able to run? It is my understanding they would compete for the seat allowing for others to run for an open seat. Was the intent to ensure trustee areas do not overlap or was the intent to ensure that no "vote dilution" would happen?

The stated intent of the CVRA is to avoid at-large election systems where racially polarized voting may lead to vote dilution. This is addressed by transitioning to by-trustee area elections. When drawing trustee areas for such an election system, a governing board can consider a number of factors including respecting the will of the voters who elected the current members. Courts have endorsed consideration of the location of current board members as one factor among many that may be used in deciding where to place boundaries.

Where did Vicente Cruz reside and where did he pull his votes? Would any of these maps have helped him to be more successful?

The District did not consider where any prior candidates resided or the geographic location of voters who voted for any particular candidate. It is difficult to speculate as to whether any particular boundary lines would "help" a candidate get elected, however, it is likely that elections focused on smaller geographical areas (a trustee area versus the entire District) may decrease the financial/logistical challenges of running and could increase the number, and possibly diversity, of candidates.

Based on the racist views presented in the letter, how do we ensure the Latino voice is reflected in the trustee areas presented?

As noted above, to the extent possible and as allowed by law, the trustee areas were drawn to create areas with as high a percentage of Latino citizen voting age populations as possible. While the CVRA encourages a transition to by-trustee areas to avoid vote dilution, ultimately, whether Latino voters and candidates participate in elections may depend on outreach and information provided to voters.

Can you identify the more affluent neighborhoods on the maps? Please also define how you define this term.

The Board of Education did not specifically define the term "affluent neighborhoods". However, to offer some context related to this topic, you may be able to identify through our current attendance boundaries, some of the socioeconomic differences within Martinez Unified. For example, of our four elementary schools in Martinez Unified the percentage of students who receive Free & Reduced Lunch are as follows:

Las Juntas = 44.9% Free & Reduced Lunch Program
John Muir = 32.8% Free & Reduced Lunch Program
Morello Park = 10.7% Free & Reduced Lunch Program
John Swett = 11.4% Free & Reduced Lunch Program

More heterogeneous communities make it more likely to dilute the less-affluent voices as most of them have incomes of more than 40%. How does the approved map provide for more equity and more equity for who?

While there may be many definitions of "equity" in this context, the District would note that Trustee Area 2 in Scenario 7 has one of highest concentrations of households with incomes under \$25,000 of any of the potential maps/scenarios.

How many of maps proposed had a school within all boundary areas?

All but two scenarios/maps drew trustee areas which included at least one District school. Scenarios 3 and 5 were the two scenarios/maps in which a trustee area did not include a District school.

Define community of interest by neighborhood and geography.

For purposes of drawing trustee area boundaries, the term "community of interest" does not have a fixed definition. A "community of interest" is a group of people with a common interest, this can be based on social, cultural, racial, ethnic, and economic interests common to the population of the area. In the context of school districts, communities of interest can also include voters within a specific school attendance boundary area. In some cases, it may be beneficial to include all of a community of interest in one trustee area, while in others, it may make sense to include the community of interest in two or more areas.

I hope this information is helpful and look forward to presenting further information to the Board at the upcoming meeting.

Sincerely,



CJ Cammack

cc: Jonathan T, Wright, President, Board of Education