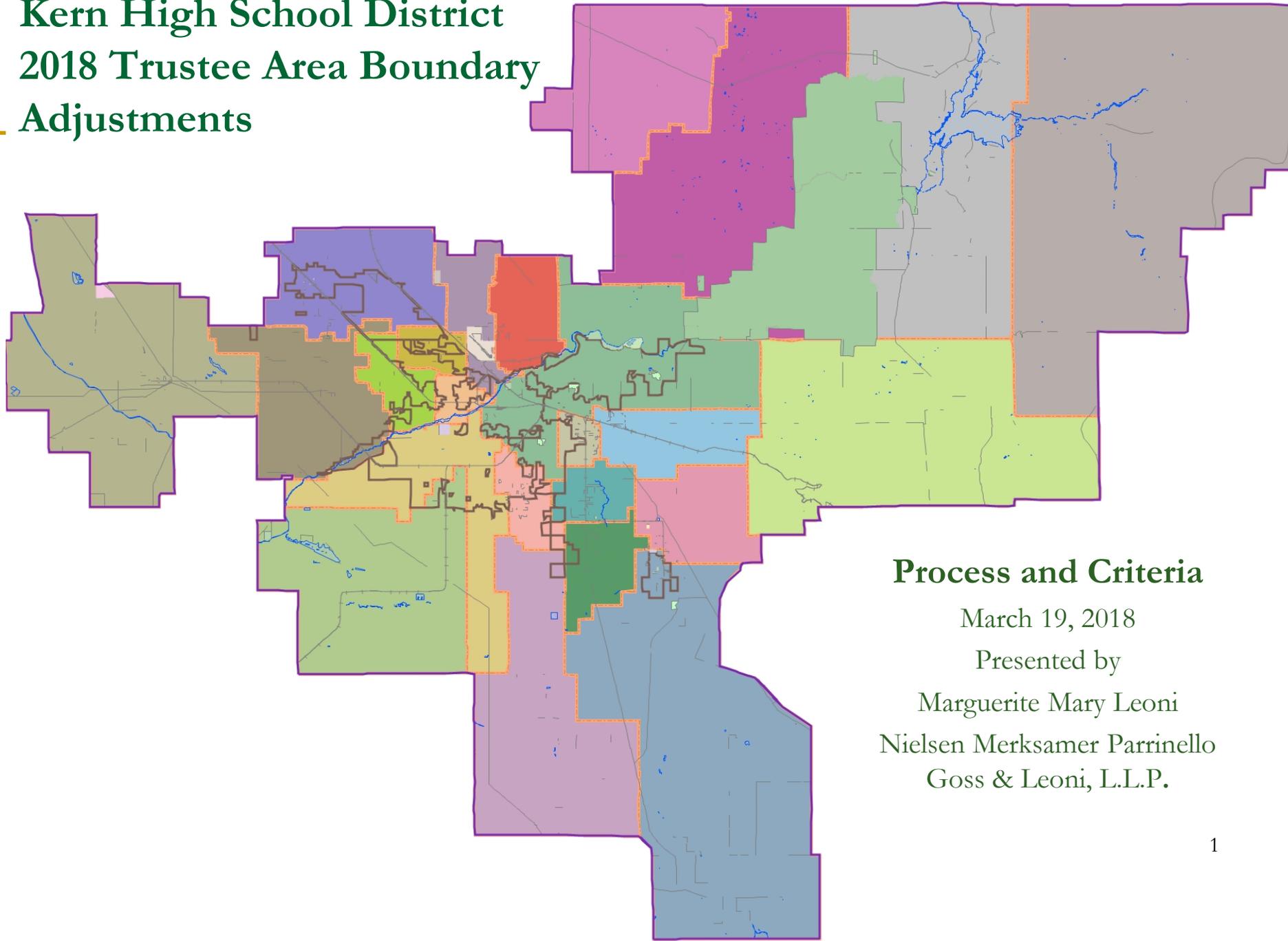


# Kern High School District 2018 Trustee Area Boundary Adjustments



## Process and Criteria

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Presented by

Marguerite Mary Leoni

Nielsen Merksamer Parrinello

Goss & Leoni, L.L.P.

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# 2011 Process Establishing Trustee Areas

DATE	ACTION
April 23, 2010	Consideration and Adoption of Resolution to establish Trustee Areas
May 10, 2011	Public hearing on criteria to guide establishing Trustee Areas, including communities of interest. Adoption of resolution specifying criteria to guide establishing Trustee Areas.
May 24, 2011	Presentation & consideration of Trustee Area plan scenarios.
June 6, 2011	Public hearing on Trustee Area plan scenarios. Selected preferred scenario for adoption. Adopted resolution adopting Trustee Area plan and authorized filing with the Kern County Committee on School District Organization for approval.
October 5, 2011	County Committee proceedings, including public hearing, on change of electoral system to “by-trustee areas”, and approval of Trustee Area plan.
2012	County Board of Education proceedings, including public hearing, to request a waiver of the election requirement on the change of electoral systems and establishment of Trust Areas.

# 2018 Process Adjusting Trustee Areas

DATE	ACTION
March 2, 2018	Decision to Commence Process to Adjust Trustee Area Boundaries
March 5, 2018	Adoption of Timeline
March 19, 2018	Demographic Presentation; Public hearing on criteria to guide adjusting Trustee Areas, including communities of interest. Possible adoption of resolution specifying criteria to guide adjusting Trustee Areas.
April 9, 2018	Presentation & consideration of possible Trustee Area boundary adjustments.
April 16, 2018	Presentation & consideration of possible Trustee Area boundary adjustments; Public Hearing
May 7, 2018	Presentation & consideration of possible Trustee Area boundary adjustments; Public Hearing
May 14, 2018	Presentation & consideration of possible Trustee Area boundary adjustments; Public Hearing; Possible adoption of resolution proposing adjustments to Trustee Area boundaries and authorizing adjusted map to be filed with Kern County Committee on School District Organization
May 24, 2018	County Committee proceedings, including public hearing, on Resolution proposing adjustments to Trustee Area boundary adjustments, including public

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# 2018 Process Adjusting Trustee Areas

- **Notes re Process of adjusting Trustee Areas:**
  1. The KHSD Board may propose adjustments to the Trustee Area Boundaries, but cannot adopt them.
  2. Only the Kern County Committee on School District Organization (KCCSDO) has the power to adopt the adjustments.
  3. Voter approval is generally not required.
  4. No trustee's term is cut short. (See, Ed. Code § 5021(b).)
  5. The KHSD Board is required to consider and possibly make adjustments to the Trustee Area after the 2020 Census, a process in which the KCCSDO is not involved.

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## Adjusting the Boundaries:

### Same Legal Considerations as in 2011 Process

- **Overriding criterion -- population equality**

*Reynolds v. Sims*, 377 U.S. 533 (1964).

- **Some deviation acceptable to serve valid governmental interests.**
  - **Total deviation less than 10% presumptively constitutional.**  
(Caution: the presumption *can* be overcome!)
  - **Permissible to work within the acceptable deviation to recognize population growth**
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## Adjusting the Boundaries: Same Legal Considerations as in 2011 Process

- **The Fourteenth Amendment prohibits using race as the “predominant” criterion in drawing districts and the subordination of other considerations. *Shaw v. Reno*, 509 U.S. 630 (1993) ; *Bush v. Vera*, 517 U.S. 952 (1996); *Miller v. Johnson*, 515 U.S. 900 (1995).**
  - **It does not, however, prohibit all consideration of race in redistricting. *Easley v. Cromartie*, 532 U.S. 234 (2001).**
  - **Looks matter! Bizarrely shaped trustee areas can be evidence that racial considerations predominate.**
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## Adjusting the Boundaries: Additional Legal Considerations

- Section 2 of the federal Voting Rights Act prohibits electoral practices or procedures that dilute minority voting rights by denying minorities an equal opportunity to nominate and elect candidates of their choice.
- Adjusting the boundaries must not undermine the electoral opportunity of Latino citizens in trustee areas that are effective majority LCVAP areas, or about to become effective majority LCVAP areas. *LULAC v. Perry*, 548 U.S. 399 (2006).
- KHSD currently has two majority LCVAP trustee areas.

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## Adjusting the Boundaries: Additional Legal Considerations

- Jurisdictions are not required to draw a majority-minority district unless a compact district can be drawn with a minority population that is greater than 50% citizen voting age. *Bartlett v. Strickland*, 129 S. Ct. 1231, 1246 (U.S. 2009).
  - Proportionality is an indicator that Latino citizens have an equal opportunity to participate in the political process in compliance with Section 2. *Johnson v. DeGrandy*, 512 U.S. 997 (1994).
  - Jurisdictions are not required to draw the maximum possible number of majority-minority districts comply with Section 2. *Johnson v. DeGrandy*, 512 U.S. 997 (1994).
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## Adjusting the Boundaries: Additional Considerations

- Topography, Geography, cohesiveness, contiguity, compactness and integrity of territory.
  - Communities of interest.
  - Avoiding head-to-head contests between incumbents.
  - Preserving the cores of existing districts.
  - Considering the boundaries of feeder elementary school districts.
  - Considering the location of high schools and high school attendance areas.
  - Considering municipal boundaries of cities and communities.
  - Preserving to the extent feasible the integrity of voting precincts.
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## Adjusting the Boundaries: Additional Considerations

Some comments on communities of interest:

- A community of interest has been recognized between the Cities of Shafter and Arvin (*Luna v. Kern County*).
  - Existing trustee area boundaries, and other electoral district boundaries, can form the basis for identifying a community of interest (*Luna v. Kern County*).
  - It may not be possible to accommodate all communities of interest and other legitimate considerations: the Board has authority to weigh and balance alternatives if done in an even-handed, non-discriminatory manner.
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# Adjusting the Boundaries

- Questions?