

Judge of the Superior Court
Honorable Donald Segerstrom
41 W. Yaney Avenue
Sonora, CA 95370

August 10, 2016

Dear Honorable Judge Donald Segerstrom,

I would like to thank Ms. Sandi Romena, Foreperson for the Grand Jury, and the entire membership of the 2015-2016 Tuolumne County Grand Jury for the report dated July 12, 2016, which included an investigation of education related items namely compliance with the Brown Act and school reorganization. In my capacity as the elected County Superintendent of Schools, I am pleased to accept the Grand Jury's Report. I have reviewed the report and wish to send a response, as requested by the Grand Jury, on items related to the findings and recommendations of the Reorganization Committee.

On behalf of the highly qualified staff members who serve our school community's children, I am proud of the work they do each day in advancing the education of our student body, with demonstrated academic progress and distinction toward meeting and exceeding state curriculum standards. Furthermore, we are blessed with a community of supportive families, who volunteer and contribute to the success of our school community at curricular and extracurricular activities that enrich our student's lives and build success in school and beyond.

In the past century and a half, school districts in our county have withstood the demographic changes affecting its enrollment and culture. For many, the school has been, and still is, the centerpiece of their community life. School district enrollment has grown and shrunk over the past century as the natural ebb and flow of population fluctuates within our county. The personality of each school district, if you will, is shaped around each school's culture, and never has the school's commitment to educate every child been diminished by these changes. Notwithstanding, the future success of all of the schools in our county will be directly affected by the State's inability to adequately fund our school's basic needs. Consequently, I concur with the Grand Jury's recommendation that ***"there exists a method, available to the school districts, to save taxpayer funds through cooperation in purchasing and perhaps in other areas of administration"***, and agree to effectively continue to expand on this practice and explore ways to stretch funding and share resources amongst school districts to mitigate the effects of diminishing enrollment. To that end, the school districts have already shared services where feasible without compromising services to our students. Furthermore, I will continue to collaborate with all of the district superintendents, to share common school services such as purchasing, information technology, instructional support and professional development, transportation and bus fleet management and shared administrative support. The following are examples of how this recommendation has already been implemented:

- **Purchasing cooperatives already implemented:** All of the districts in the county already receive lower pricing through Apple, Dell, Office Depot, Staples, Ricoh and most large vendors for school supplies due to a piggyback bid on prices negotiated by the districts, county and/or State. Sysco (food supplier) already provides discount pricing for cafeteria supplies for all school districts based upon the total number of students in the county (regardless of district boundaries). The Tuolumne County Superintendent of Schools conducts joint propane bidding with local propane companies on behalf of all school districts giving districts the lowest price possible for propane. All school districts benefit equally from E-Rate, Mandated by Congress in 1996 and implemented by the FCC in 1997, which provides discounted telecommunications, Internet access, and internal connections to all schools in Tuolumne County, funded by the Universal Service Fund.

- **Information and Network Technology cooperatives already implemented:** All school districts contract with the County Superintendent of Schools for technology services, who serves as a quasi-IT JPA, offering high quality network, security and phone service at a significantly reduced rate than what districts could purchase independently.
- **The Tuolumne Joint Powers Authority (JPA) already implemented:** The Tuolumne JPA, operated by the Tuolumne County Superintendent of Schools, administers property, liability and worker's compensation insurance programs for member school districts in Alpine, Amador, Calaveras and Tuolumne. Each school district in Tuolumne County is a member of the Tuolumne JPA and receives the benefit of the group pricing for insurance, liability and workers compensation and training.
- **Instructional services and professional development cooperatives already implemented:** The school districts within Tuolumne County collaborate with the Tuolumne County Superintendent of Schools, who provide high quality cost efficient professional development, saving districts travel and hotel expenses for State mandated programs and/or required trainings.
- **Bus fleet management cooperative already implemented:** For decades, the Tuolumne County Superintendent of Schools has contracted with one school district (Sonora Union High School District) to manage the county-wide bus fleet and transportation cooperative of special education students who are served by all school districts within Tuolumne County in a Special Education Plan Area (SELPA), a quasi-Transportation JPA. The efficiency of this transportation collaborative for special education is partially dependent on the location of the program sites and the placement of students and their special needs. Each year, the collaborative conducts a demographic and geographic review that analyzes the present location of program, program needs, and population served to develop the most efficient transportation system. Furthermore, all elementary school districts without a bus maintenance/repair shop, contract with the high schools to provide the service. School district bus routes have been consolidated to meet the state required minimum for distance. Also, in 2011, school districts in Tuolumne County coordinated a common student attendance calendar at all school sites to streamline transportation operations and other shared activities. Finally, school districts do not receive funding for home-to-school transportation, nor is it mandated to provide home-to-school transportation to non-special education students.
- **Shared administrative services already implemented:** The authority to employ or reduce district personnel lies with the governing board of each school district. For the past several years, every school district in our county has already implemented some form of shared administrative service. The decision by a governing board to reduce and/or eliminate administrative services must be weighed against minimum statutory requirements for administrative oversight. The motivation to suggest that school districts examine reorganization may be a misinformed desire to reduce administrative statutory requirements. It is unlawful to administer a school without the full time presence of a certificated school administrator, and the statutory role that the school administrative function provides cannot be underestimated.

California Education Code guidance related to "reorganization" in EC35511 sets forth the lawful process by which reorganization may be considered and approved, beginning with a petition.

- If and when 25% of electors in each territory of each affected district (or) majority of Board Members in affected districts petition for reorganization, the petition is transmitted to the Superintendent of Schools who has 30 days to determine the sufficiency of the petition (ie: legitimate voter signatures and/or district board decision by majority vote of each board affected).
- If sufficiency is determined, the petition is transmitted to the County Committee on Reorganization, which for Tuolumne County is the County Board of Trustees. After a host of public hearings and proceedings, the County Committee on Reorganization makes a recommendation and transmits the petition to the State Board of Education (should it get that far).

The process outlined above demands neutrality on behalf of the Superintendent of Schools and the County Committee on Reorganization in order to ensure the public that the determination of sufficiency of petition and the approval process is unbiased. For this reason, the County Superintendent of Schools and/or County Board of Trustees will not prematurely agendize, hold a public hearing or take action on a petition to reorganize unless and until it is transmitted to them through the process outlined above.

There are four possible actions to reorganize (Education Code 35511). The first two possible actions to reorganize listed below are generally referred to as acts of “unionization”, and the 3rd and 4th are generally referred to as acts of “unification/deunification”. Any of the four scenarios listed below may occur in one of two ways: Petition by 25% of electors in each territory of each affected district; (EC 35700), or petition by majority of Board Members in affected districts. (EC 35700)

1. **Dissolving two or more existing school districts of the same kind and forming one or more new school districts of that same kind.** For example: Sonora High School District + Summerville High School District. (note: all high schools are the “same kind” and all elementary schools are the “same kind”).
2. **Forming one or more new school districts of the same kind from all or parts of one or more existing school districts of the same kind.** For example: Sonora High School District + parts of Summerville High School District or vice versa.
3. **Unifying school districts, including the consolidation of all or part of one or more high school districts with all or part of one or more component (elementary) school districts into one or more new unified school districts.** For Example: Summerville High School District + Summerville Elementary School District.
4. **Deunifying a school district, including the conversion of all or part of a unified school district into one or more new high school districts, each with two or more new component (elementary) districts, which would include an action to transfer territory from one district to the newly formed districts.** For example: dividing Big Oak Flat Groveland Unified School District into a new High School District and two new Elementary School Districts.

Notwithstanding the efforts already implemented by school districts to save taxpayer funds, the Grand Jury recommends that ***“an independent and definitive study of the economic benefits and costs of school district reorganization be undertaken. The results of this study, and the section of the California Education Code pertaining to school district consolidation, should be actively made available to all Tuolumne County taxpayers and elected officials. Grants from appropriate public or private agencies should be pursued to pay for this study.”***

In 2000, the Sonora Area Foundation hired a school finance consulting agency, School Services of California, Inc., to conduct a study about how school districts might better work together to improve education in Tuolumne County. In the opinion of the consultants, “unionizing and/or unifying school districts makes a lot of sense from a practical standpoint”. However, in weighing the disadvantages to unionizing and unifying, the consultants further noted “...according to the majority of governing board members, administrators, teachers, classified staff, and parents that we interviewed, there are concerns that the system replacing the existing system will not be better and may result in loss of identity, loss of access, creation of bureaucracies, reallocation of resources, elimination of programs, etc.”

Admittedly, a lot has changed since the last independent study was conducted in 2000, including considerable sharing of resources among school districts as previously mentioned. If however, further information is needed to help inform the public and/or school boards about a decision to reorganize or not to reorganize, given the position of neutrality to which I am bound, I will not demote or promote efforts to seek private funding or grants to fund a study. Secondly, despite the fact that the public had an opportunity to place this matter on a local ballot and have to date failed to get enough signatures to qualify for the ballot, I will continue to encourage the public to take this discussion directly to the electors in the districts affected by the petition to reorganize and/or to school district governing boards that have the legal authority to act by majority vote to forward a petition through the process.

Finally, I wish to ask for the Grand Jury's support to put kids first and focus their investigative efforts towards **investigating the lack of adequate State and Federal funding for schools rather than asking schools with fixed funding to do more with less.** Every child needs a qualified teacher, smaller class sizes, modernized state of the art school facilities, bathrooms, drinking fountains, cafeteria, and playgrounds. Adequate funding is necessary in order to staff our schools with personnel that had once been a mainstay of our school systems such as a registered nurse, licensed school counselor, music teacher, art teacher, physical education teacher, and present day necessities such as school resource officers and safety personnel to keep our children safe from violent intruders. At risk also are extra-curricular programs, athletic competitions, and field trips to provide every child with field experiences to local parks and historical landmarks. Adequate funding is imperative in order to provide every child with updated textbooks and instructional resources for math, English language arts, social studies, and physical and biological sciences. Adequate funding is sorely needed to provide every child access to up to date technological hardware, software, and online capabilities to truly prepare the next generation of leaders. And finally, adequate funding is needed to adequately compensate teachers and support staff for the important work they do in shaping the future generation.

In summary, I look forward to continuing to support school districts in exploring new ideas to continue our work to maximize our resources in order to support and implement cost savings measures with or without a new study.

I wish to thank the Grand Jury for their diligent work and dedication in fulfilling their mission of service to the Court and to the citizens of Tuolumne County. Please contact me should you have any questions or wish to discuss further.

Sincerely,

Marguerite D. Bulkin
County Superintendent

Enclosures:

- "How Can Tuolumne County Schools Work Together to Better Serve Their Students?", A study prepared for the Sonora Area Foundation by School Services of California, Inc. (August, 2000)
- List of independent firms in California who conduct studies of the economic benefits and costs of school district reorganization.(June, 2016)