

**CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT**

To: Board of Trustees

From: Clark Hampton, Deputy Superintendent, Business and Support Services

Date: November 3, 2021

Board Item: Resolution No. 2122-21, Establishing Criteria for Adjusting Trustee Area Boundaries

HISTORY

With the passage of Measure H on November 2, 2010, the District changed the method of election to “by trustee area” requiring each member of the Board of Trustees to reside within, and be elected by, the voters living within that particular Trustee area or district. In 2012, the 2010 census was used to adjust Trustee Area boundaries to balance the population evenly among each Trustee Area.

BACKGROUND INFORMATION

The 2020 Census generated updated demographic data. As populations shift, Trustee areas need to be evaluated and rebalanced to reflect the revised 2020 census data. Education Code § 5019.5 describes the timeline of the process. This Trustee area analysis needs to be completed, revised, and established prior to March 1, 2022.

CURRENT CONSIDERATIONS

The first step in the process of establishing new Trustee areas is to adopt criteria by which the analysis of the new voting districts will be performed and measured. This presentation will consist of five components:

1. Review of election/redistricting laws and procedures
2. Review of the current Trustee boundaries
3. Review of proposed schedule for evaluating and establishing revised boundaries
4. Solicitation of input from Trustees on criteria and number of map options to develop
5. Adoption of Resolution 2122-21, Establishing Criteria for Adjusting Trustee Area Boundaries

Attached for Trustee review and consideration are the following exhibits:

1. Resolution 2021-21, Establishing Criteria for Adjusting Trustee Area Boundaries
2. Current Trustee Area Map
3. Redistricting Schedule

FINANCIAL IMPLICATIONS

Estimated financial implications associated with the Trustee areas boundary redistricting process are estimated as follows:

Demographer	\$ 4,200
Legal Fees	<u>\$ 8,100</u>
Total	\$12,300

STAFF RECOMMENDATIONS

Following discussion, it is recommended the Board of Trustees provide direction regarding schedule/timeline and adopt Resolution 2021-21, Establishing Criteria for Adjusting Trustee Area Boundaries.



Adjusting Trustee Area Boundaries

November 3, 2021



Capistrano Unified School District

PRESENTED BY:

Ronald D. Wenkart, Partner
Ron Van Orden, Director, Enrollment & GeoVisual Analytics

Cerritos • Fresno • Irvine • Marin • Pasadena • Pleasanton • Riverside • Sacramento • San Diego

Agenda and Timeline

- Tonight
 - Adopt Resolution No. 2122-21, Establishing Criteria for Adjusting Trustee Area Boundaries
 - Provide direction on number of map options for consideration
- December 15, 2021
 - Public hearing on draft map(s)
 - Direction to Demographer for possible revisions
- January 19, 2022
 - Review revised plans and receive direction on any revisions to be prepared for final adoption
- February 16, 2022
 - Final adoption of Trustee Areas

Trustee Areas

- The seven members of the Board of Trustees of the Capistrano Unified School District are elected by Trustee area.
- Each Board member must reside in their Trustee area and only the voters who reside in their Trustee area may vote for the Board member representing that Trustee area.
- The elections are staggered with three Board members elected in one election and four Board members elected at the next election.



Population of Trustee Areas

- Federal and state law requires that the Trustee areas must be equal in population.
- The Trustee areas cannot vary in population by more than 10 percent.
- Due to growth or shifts in population over a ten year period, the Trustee areas may vary in population by more than 10 percent after ten years.
 - Education Code § 5019.5 requires school districts to adjust the boundaries of their Trustee areas every ten years following the release of census data.
- The 2020 census data was released in September, 2021.

Adjustment of Trustee Areas

- The statutory deadline for making any adjustments in Trustee area boundaries, if necessary, is March 1, 2022.
- If the school district does not meet the deadline, the Orange County Committee on School District Organization makes the adjustments.
- The process for adjusting Trustee area boundaries requires the school district to retain the services of a demographer.
- The demographer will review the census data to see if there has been population growth or a shift in population in the Trustee areas of the District.



Adjustment of Trustee Areas

- If the Trustee areas are all within a 10% range in population, no boundary adjustments are required and the Board can adopt a Resolution confirming the Trustee area boundaries for the next ten years.
- If the Trustee area is not within a 10% range in population, the demographer will prepare two or three maps to adjust the boundaries.
- A preliminary review of the 2020 census data indicates the Trustee areas of the school District exceed the 10% range in population.
- Therefore, it will be necessary to adjust the school District's Trustee area boundaries.

Criteria for Adjustment of Trustee Areas

- The process for adjusting Trustee area boundaries requires the Board to adopt a Resolution Establishing Criteria for Adjusting Trustee Area Boundaries.
- The criteria in the proposed Resolution shall require that each Trustee area contain a nearly equal number of inhabitants, shall be drawn in a manner that complies with the Federal Voting Rights Act, shall consist of contiguous territory in as compact a form as possible, shall respect communities of interest as much as possible, shall follow municipal boundaries as much as possible, and shall take into consideration the location of schools.

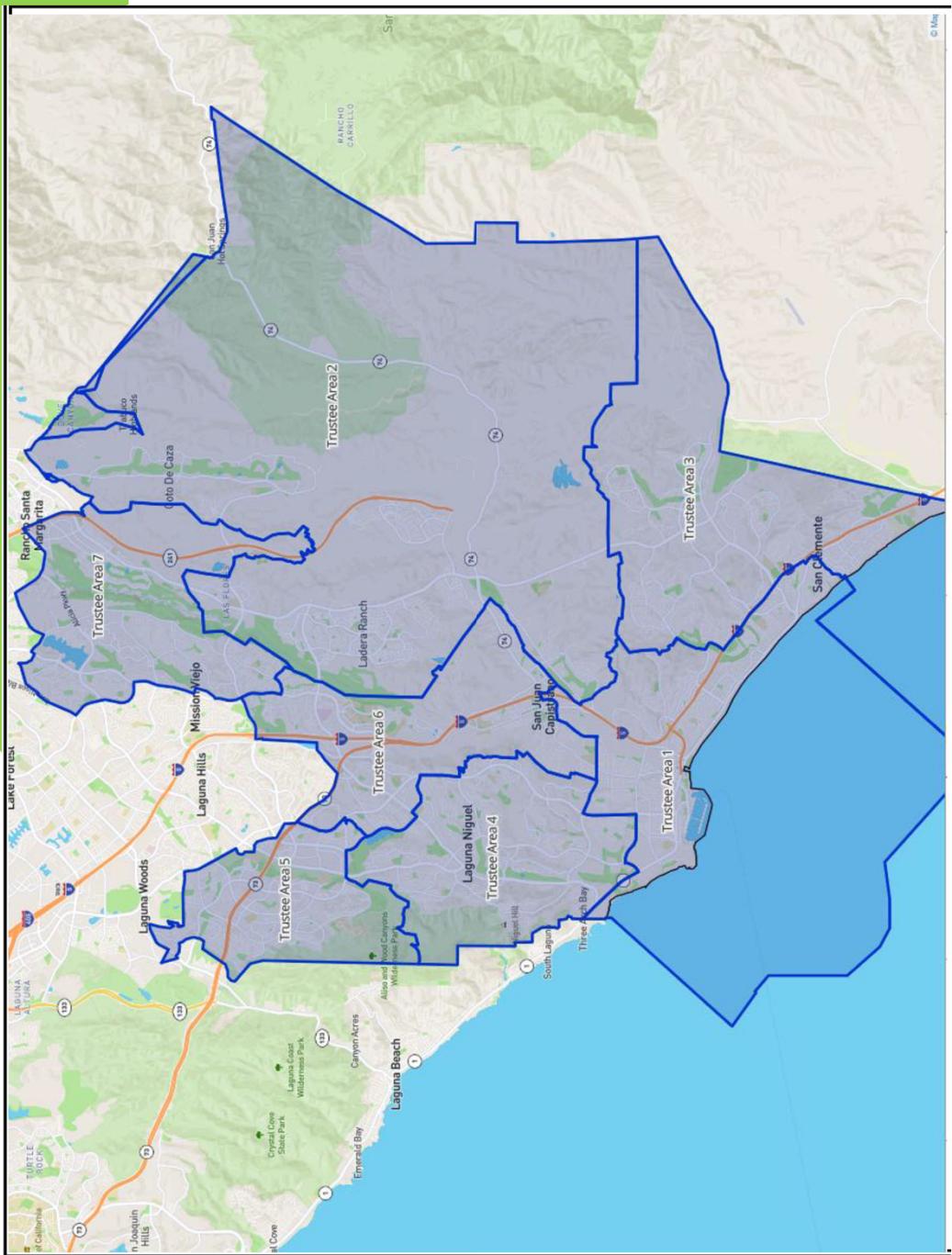


Demographic Analysis

- DecisionInsite/PowerSchool completed an analysis of the District's current Trustee Voting Areas
- The data used in the report is US Census population data and racial ethnicity data from the 2010 and 2020 decennial censuses
- The data is provided at a census blockgroup level
 - Census blockgroups are small geographic units, typically neighborhoods
- The report shows the change in those data in the past 10 years

Current Trustee Areas

- This map shows the current seven Trustee Areas



Analysis Details



- These charts represent the change in population in each Trustee Area from the 2010 Census to the 2020 Census.

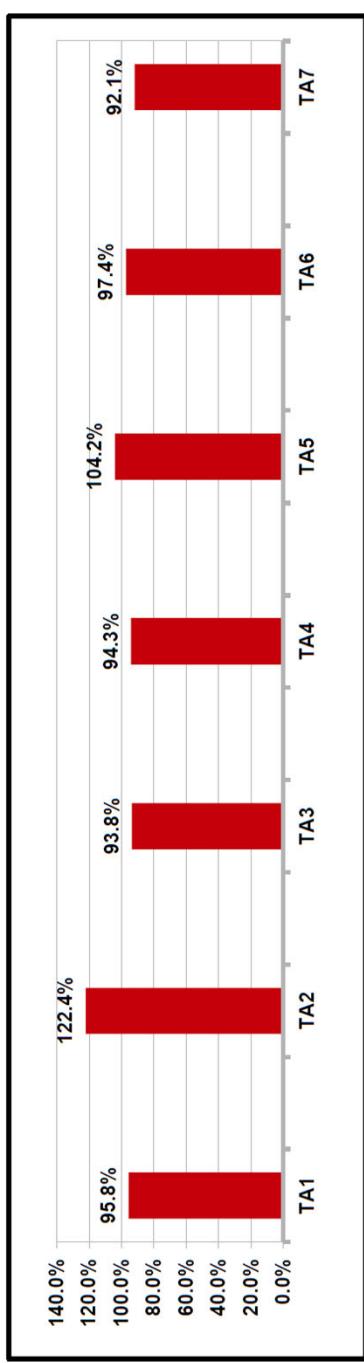
Analysis of Compliance: Ideal Trustee Population Compared to Actual
 Definition: ideal population is defined as 51,786 persons per trustee area or 14.29% of the total district population in each trustee area. (Total district population divided by # of trustee areas)

Population by Trustee Area

	2010		2020		2020	
	Population	% of Total District	Population	10 Yr Pop Change	TA as % of Total District	Net TA Pop Diff Ideal
Trustee Area 1	48,822	14.2%	49,604	782	13.7%	-2,182
Trustee Area 2	49,577	14.4%	63,366	13,789	17.5%	11,580
Trustee Area 3	48,416	14.1%	48,597	181	13.4%	-3,189
Trustee Area 4	49,157	14.3%	48,839	-318	13.5%	-2,947
Trustee Area 5	49,560	14.4%	53,952	4,392	14.9%	2,166
Trustee Area 6	49,124	14.3%	50,459	1,335	13.9%	-1,327
Trustee Area 7	48,451	14.1%	47,684	-767	13.2%	-4,102
Total District	343,107	100.0%	362,501	19,394	100.0%	

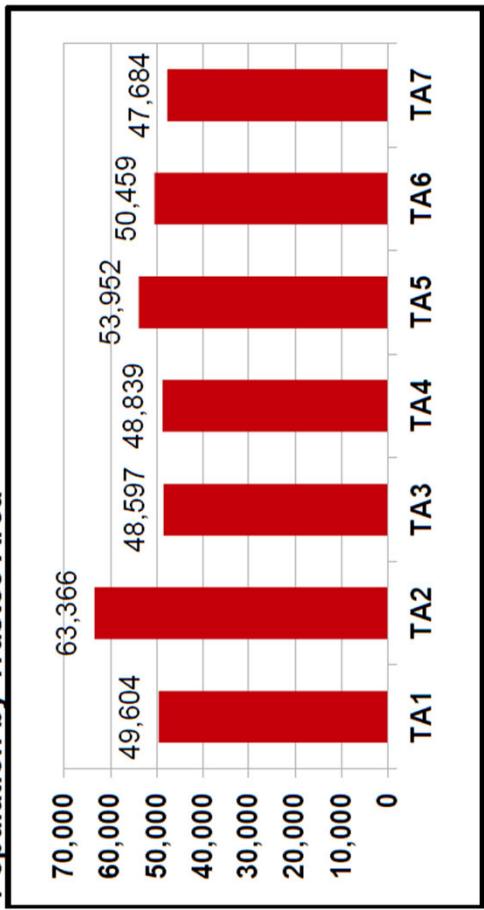
Distance from the Ideal

This graph illustrates the percentage of the ideal for each trustee area as of the 2020 population. With "100%" representing the ideal, some trustee areas may be above the ideal and some may be below the ideal. Perfect balance would display all bars along the 100% line.

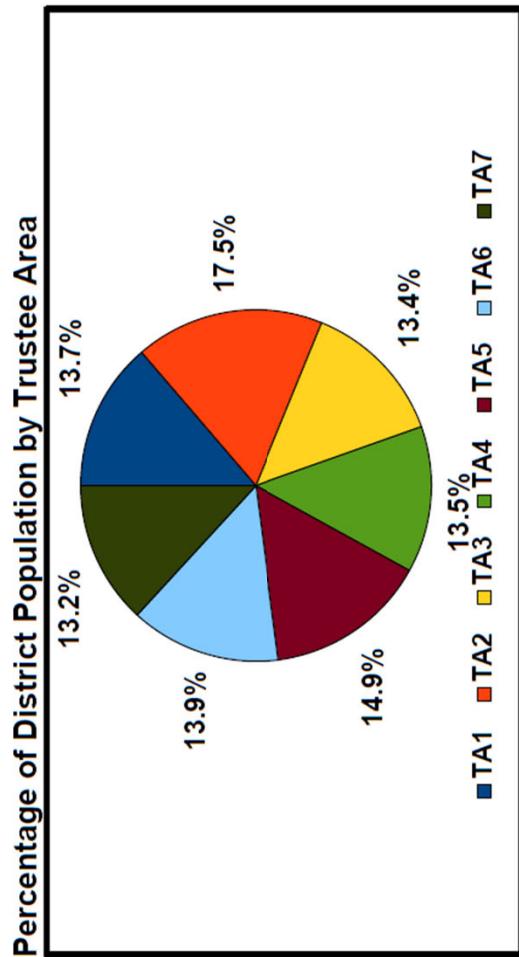


2020 Census Summary

Population by Trustee Area



Percentage of District Population by Trustee Area



- Trustee Area 2 is the largest Trustee area in population at 122.4% of the ideal population and Trustee Area 7 is the smallest Trustee area in population at 92.1% of the ideal population. This represents a variance in population of approximately 30.3% which is considerably higher than the 10% variance allowed by law and considerably higher than the 5% or lower that is considered ideal.

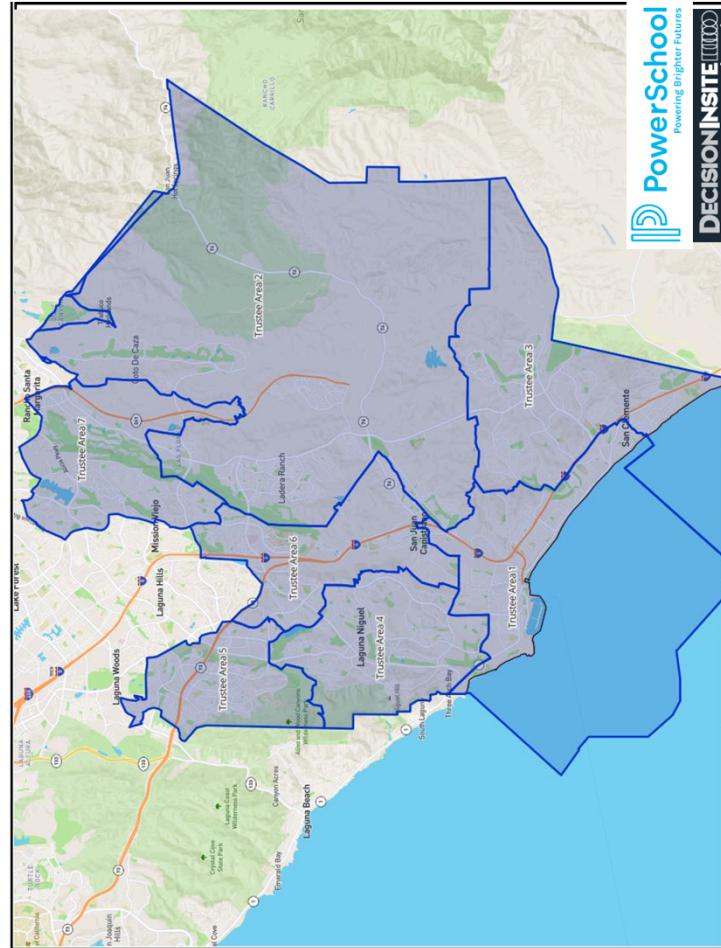
Staff Recommendation

- Adopt Resolution No.2122-21, Establishing Criteria for Adjusting Trustee Area Boundaries
- Provide direction on number of Trustee Area map options for consideration at the December 15, 2021 Board meeting

Criteria for Adjustment of Trustee Areas

- The adoption of the Resolution will assist the demographer in drawing maps for the Board's consideration.

Are there any questions?



Thank You

For questions or comments, please contact:

Ronald D. Wenkart
(949) 536-2220
Ronald.Wenkart@aalrr.com

Ron Van Orden
(626) 353-2014
Ron.Vanorden@powerschool.com

aalrr
Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation



DECISIONINSITE

Disclaimer



This AALRR presentation is intended for informational purposes only and should not be relied upon in reaching a conclusion in a particular area of law. Applicability of the legal principles discussed may differ substantially in individual situations. Receipt of this or any other AALRR presentation/publication does not create an attorney-client relationship. The Firm is not responsible for inadvertent errors that may occur in the publishing process.

©2021 Atkinson, Andelson, Loya, Ruud & Romo

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

RESOLUTION NO. 2122-21

**ESTABLISHING CRITERIA FOR
ADJUSTING TRUSTEE AREA BOUNDARIES**

WHEREAS, the voters of the District adopted Measure H at an election on November 2, 2010; and

WHEREAS, Measure H altered the way Trustees of the District are elected to “by-trustee area” election where each Trustee must reside within the designated Trustee area boundary and is elected only by the voters in that Trustee areas; and

WHEREAS, pursuant to Measure H, the District now employs a by-trustee area election method with Trustee areas redrawn based on the 2010 census to balance inhabitants in each Trustee area; and

WHEREAS, Education Code § 5019.5 requires school districts employing by-trustee area election method to adjust the boundaries of Trustee areas following the decennial federal census; and

WHEREAS, the District has undertaken a study of its Trustee areas using 2020 federal census data in order to ensure compliance with state and federal voting law; and

WHEREAS, the Federal Voting Rights Act (42 U.S.C. § 1973) prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure, in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color; and

WHEREAS, federal law and the Equal Protection Clause require that each Trustee area be equal in population to ensure compliance with the “one person, one vote” rule; however, deviations (less than five percent [5%] greater than or less than the ideal, for a total of ten percent [10%] deviation) are presumptively constitutional under the Equal Protection Clause where required to meet an official criteria; and

WHEREAS, the population changes in each Trustee area, comparing the 2010 to the 2020 census, meets the thresholds necessitating an adjustment; and

WHEREAS, the Board of Trustees has instructed PowerSchool, its demographer, and District staff to prepare maps using 2020 census data that adjust the Trustee areas to create Trustee areas as nearly equal as possible to ensure the lawfulness of the District’s election procedures, but wishes to provide official criteria for any needed deviations;

BE IT RESOLVED the Board of Trustees of Capistrano Unified School District hereby adopts the following criteria to guide the establishment of Trustee areas for the Board of Trustees:

1. Each Trustee area shall contain a nearly equal number of inhabitants;
2. Trustee area borders shall be drawn in a manner that complies with the Federal Voting Rights Act;
3. Trustee areas shall consist of contiguous territory in as compact a form as possible;
4. Trustee area borders shall respect communities of interest as much as possible;
5. Trustee area borders shall follow visible natural and man-made geographical and topographical features as much as possible;
6. Trustee area borders shall follow municipal boundaries as much as possible;
7. Trustee area borders shall take into consideration the location of schools;

BE IT FURTHER RESOLVED the Superintendent or designee shall be authorized to take any additional acts needed to effectuate the purpose and intent of this Resolution.

AYES: ()

NOES ()

ABSENT ()

ABSTAIN ()

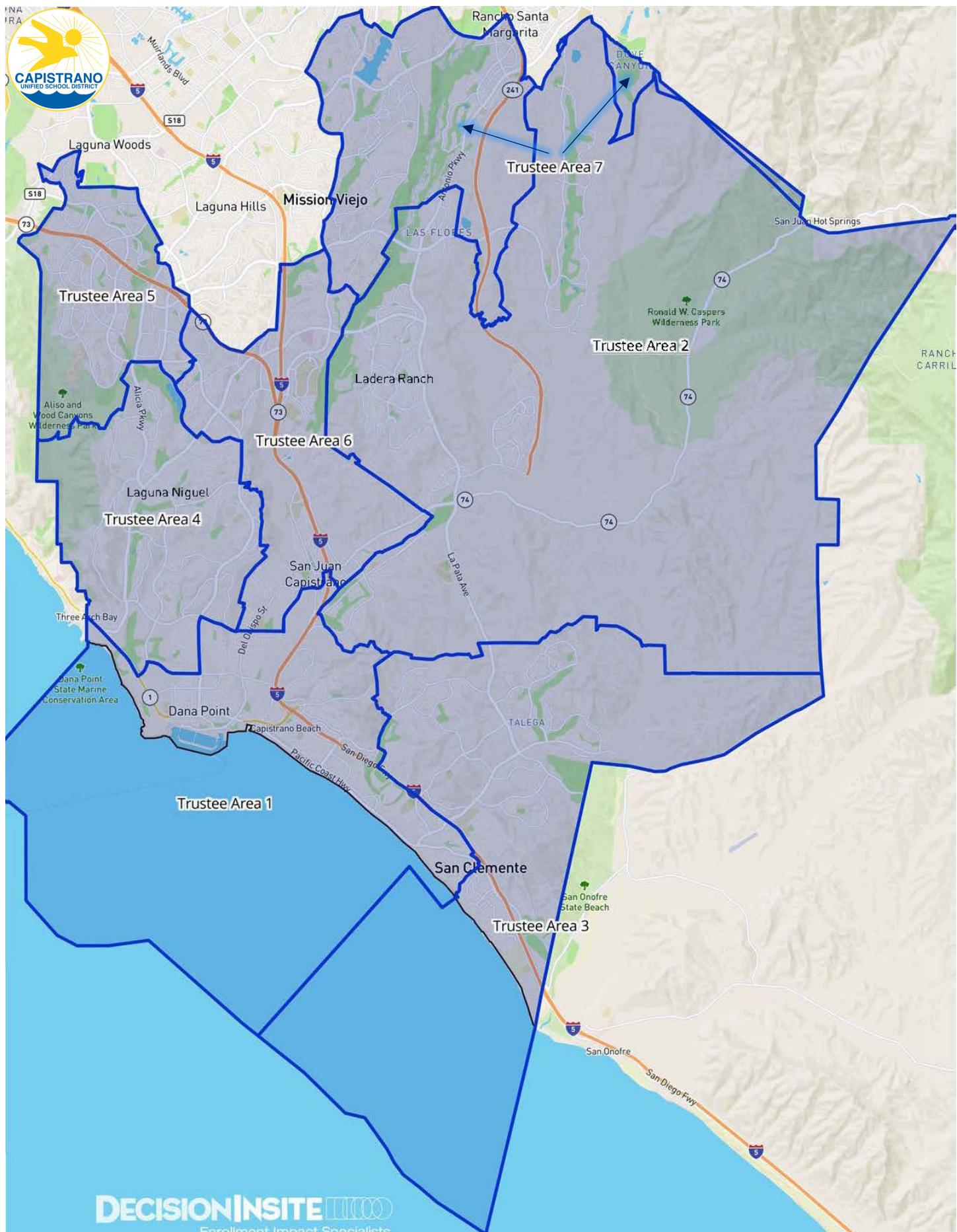
I, Kirsten Vital Brulte, Secretary of the Capistrano Unified School District Board of Trustees, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the meeting thereof on the 3rd day of November, 2021, by a roll call vote of said Board.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 3rd day of November, 2021.

Gila Jones, Clerk of the Board

Kirsten Vital Brulte.
Superintendent
Secretary of the Board of Trustees

Trustee Area Boundaries 2020-2021





Capistrano Unified School District
Redistricting Schedule
November 3, 2021

Completion Deadline: March 1, 2022

Meeting Date	Deliverables	Action Items
11/3/2021	Criteria Resolution 2122-21 Demographics of existing trustee areas Introduction to process & rules Presentation on schedule	Adopt criteria Resolution 2122-21 Provide direction on number of map options for consideration
12/15/2021	Draft Plans	Public Hearing on Draft Plans Direction to demographer for possible revisions
1/19/2022	Revised Draft Plan(s)	Review plans and provide direction on any desired plan revisions to be prepared for final adoption
2/16/2022	materials for final adoption	Final Adoption