FEASIBILITY STUDY
FOR A REQUEST TO TRANSFER TERRITORY
FROM
OAK GROVE SCHOOL DISTRICT AND
EAST SIDE UNION HIGH SCHOOL DISTRICT
TO
SAN JOSE UNIFIED SCHOOL DISTRICT

March 2013

Santa Clara County Office of Education

Prepared for the
Santa Clara County Committee on School District Organization

by

The Office of the Superintendent
Santa Clara County Office of Education

Dr. Xavier De La Torre, Superintendent
TRANSFER OF TERRITORY FROM
OAK GROVE SCHOOL DISTRICT AND
EAST SIDE UNION HIGH SCHOOL DISTRICT TO
SAN JOSE UNIFIED SCHOOL DISTRICT

COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION STUDY
March, 2013

BACKGROUND

A petition to transfer territory from Oak Grove School District (OGSD) and East Side Union High School District (ESUHSD) to San Jose Unified School District (SJUSD) has been presented to the Santa Clara County Committee on School District Organization (County Committee). See Appendix A for a copy of the petition.

The territory proposed for transfer includes 13 parcels located at Graystone Lane in San Jose. The total acreage of the territory is approximately 256 acres. Maps of the territory proposed for transfer and a list of the Assessor Parcel Numbers (APNs) can be found in Appendix B.

The request to transfer territory was submitted to the Santa Clara County Superintendent of Schools on November 20, 2012. The petition was subsequently transmitted to the County Committee and State Board of Education on December 17, 2012 (see Appendix C). The public hearings of the petitions mandated by Education Code Section 35705 were held on January 23, 2013 and February 13, 2013. Appendix D contains a copy of the notices of the public hearings, description of petition, and minutes from the January 23rd and February 13th hearings.

Petitioners have requested the transfer for the following reasons (based on the request filed with the County Committee – see Appendix A):

1. The entrance to the parcels is from the Almaden Valley which is in the SJUSD. Currently and in the past, petitioner’s children have attended SJUSD schools in the Almaden Valley. All neighbors that live off Graystone Lane are in SJUSD.
2. There is no easy way for residents to access OGSD and ESUHSD from the residences.
3. At the time the petitioner’s purchased their parcel of land and built their home, SJUSD collected building fees and stated that the home was within their boundaries. Neighbors in the area also paid fees to SJUSD and were told they resided within SJUSD boundaries.
4. In 2006, adjacent parcels were transferred from OGSD/ESUHSD to SJUSD.

Of the three affected school districts, Oak Grove School District stated their opposition to the transfer at the second public hearing on February 13, 2013. There is no stated opposition from either ESUHSD or SJUSD.
The County Committee has 120 days from the first public hearing (January 23, 2013) to approve or disapprove the petition. (Ed. Code § 35706). In making its decision, the County Committee must determine whether the following conditions regarding the petition are substantially met (Ed. Code § 35709,35710):

1. The reorganized districts will be adequate in terms of number of pupils enrolled.
2. The districts are each organized on the basis of a substantial community identity.
3. The proposal will result in an equitable division of property and facilities of the original district or districts.
4. The reorganization of the districts will preserve each affected district’s ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.
5. Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
6. The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.
7. Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
8. The proposed reorganization is primarily designed for purposes other than to significantly increase property values.
9. The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.
10. Any other criteria as the board may, by regulation, prescribe.

Petitioners and/or affected school districts may appeal to the State Board of Education the decision of the County Committee (Education Code section 35710.5). Petitioners have five days and school districts have 30 days to notify the County Committee of intent to appeal. Within 15 days of this notification, appellants must file a statement of reasons and factual evidence supporting the appeal. The County Office of Education will transmit the appeal to the State Board of Education along with a complete administrative record of the proceedings.

The study team for this feasibility report is comprised of Suzanne Carrig of Office of the Superintendent, Santa Clara County Office of Education.
1.0 CRITERION 1

California Education Code Section 35753 (a)(1) – The reorganized districts will be adequate in terms of number of pupils enrolled.

This topic is governed by Title 5, California Code of Regulations, Section 18753 (a), which states that an elementary school district should have a projected enrollment of 901 students, and a high school district should have a projected enrollment of 301 students on the date the boundary change becomes effective for all purposes. Current student enrollments (taken from the 2011-2012 California Basic Educational Data System (CBEDS) reports) for each of the three affected school districts are depicted in Table 1.

Table 1 – 2011-2012 CBEDS Enrollments of Affected School Districts

<table>
<thead>
<tr>
<th>School District</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>OGSD</td>
<td>11,517</td>
</tr>
<tr>
<td>ESUHSD</td>
<td>25,638</td>
</tr>
<tr>
<td>SJUSD</td>
<td>33,306</td>
</tr>
</tbody>
</table>

Two school-age children currently reside in the territory proposed for transfer but attend school in SJUSD on interdistrict transfer agreements. The potential number of students who could live within the area to be transferred would not be significant enough to impact the enrollment of SJUSD or significantly diminish the enrollment of OGSD or ESUHSD.

The study team recommends that Criterion 1 is met.

2.0 CRITERION 2

California Education Code Section 35753 (a)(2) - The districts are each organized on the basis of a substantial community identity.

The California Code of Regulations (CCR) § 18753 (a)(2) suggest using the following criteria to determine whether a district is organized on the basis of substantial community identity:
(a) Isolation;
(b) Geography;
(c) Distance between social centers;
(d) Distance between school centers;
(e) Topography;
(f) Weather; and
(g) Community, school, and social ties, and other circumstances peculiar to the area.
2.1 Discussion

The 13 parcels proposed for transfer are located in the southern portion of SJUSD at the top of the foothills. Graystone Lane has one entry/exit and ends at the last property proposed for transfer. There is no direct access from the territory proposed for transfer to OGSD and ESUHSD due to the steep and hilly terrain, and the subsequent lack of paved roads. Graystone Lane is the only road to and from the territory proposed for transfer. A sign is posted on Graystone Lane prior to reaching the summit that states “Not a Through Road”. At the top of the hill Graystone Lane ends and there is a security gate to reach the parcels. There are no alternate routes to the area proposed for transfer into the OGSD/ESUHSD with the exception of Snell Road. However, Snell Road is listed as a dead end road by a city sign. Also, the portion of Snell Road that continues into the hills is gated, padlocked, and posted as private property. Residents of the area have stated that the portion of Snell Road beyond the gate is a legally abandoned road that is one lane wide and in poor condition for travelling. Below are photographs of the aforementioned street signs and Snell Road. Photographs were taken by County Committee staff Suzanne Carrig on February 28, 2013.

*Image 1. Graystone Lane Street Sign*
Image 2. Snell Road Street Sign

Image 3. Gate to Snell Road – Private Road
Figure 1 is a satellite photograph of the area surrounding, and including, the territory proposed for transfer. The area proposed for transfer is circled in red (approximate). The purpose of this figure is to illustrate the geographic isolation of the area proposed for transfer in relation to the OGSD and ESUHSD.

According to residents in the area proposed for transfer, there are no additional parcels in the area slated for development nor are there plans for future development on the properties. Development of the parcels is restricted even if sold. On March 6, 2013 staff to the county committee received an email from David Rader, a staff member from the Santa Clara County Planning Department. Mr. Rader stated that the maximum units have already been reached for primary dwelling units in the area proposed for transfer. Furthermore, he stated that the only additional potential development for these lots would be a secondary dwelling unit (e.g., 1-2 bedroom cottage) of up to 1,000 square feet but only for the parcels that currently have homes.

Figure 1. Satellite View of Territory Proposed for Transfer and Surrounding Areas
Figure 2. Overview of and Travel Routes for Territory Proposed for Transfer

District Boundary Line  Travel Route

Distance from School Centers

The travel route from the territory to the schools in each of the affected school districts begins at the same location no matter which schools the students from that area attend; driving distances were calculated from the intersection of Graystone Lane and Camden Avenue since that is the only outlet. As illustrated in Figure 2, residents in the area must travel via Camden Avenue or Almaden Expressway and Coleman Road. If residents are driving to OGSD or ESUHSD schools, they must travel past the SJUSD schools (see pink highlighted travel routes in Figure 2).
Table 2 illustrates both the distance to and the travel time from the territory proposed for transfer to the school sites. It is important to keep in mind that during commute times, travel time may increase depending upon traffic volume. Travel time is subject to change due to changing conditions on major thoroughfares such as Almaden Expressway or Coleman Road. The times in which parents would take students to and from school on regular school days coincides with general morning commute hours.

Table 2 – Distance and Time to School Centers

<table>
<thead>
<tr>
<th>Schools</th>
<th>Distance (Miles)</th>
<th>Time (Minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary Schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taylor School (OGSD)</td>
<td>7</td>
<td>16</td>
</tr>
<tr>
<td>Graystone (SJUSD)</td>
<td>1.3</td>
<td>3</td>
</tr>
<tr>
<td>Middle Schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herman Intermediate (OGSD)</td>
<td>4.5</td>
<td>12</td>
</tr>
<tr>
<td>Bret Harte Middle (SJUSD)</td>
<td>1.2</td>
<td>3</td>
</tr>
<tr>
<td>High Schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Santa Teresa (ESUHSD)</td>
<td>5.2</td>
<td>13</td>
</tr>
<tr>
<td>Leland (SJUSD)</td>
<td>.6</td>
<td>1</td>
</tr>
</tbody>
</table>

Summary of Travel Issues

For students in all grade levels, travel distance and time to SJUSD schools are shorter than the travel distance and time to OGSD and ESUHSD schools, although the differences in these travel times do not meet the Santa Clara County Committee’s definition of extreme hardship. An extreme hardship, under commute duration, exists if the length of time to travel between the territory proposed for transfer and the closest school district of residence exceeds the length of time to travel to the desired school district by 20 minutes or more (see Appendix E). However, students traveling to OGSD and ESUHSD schools must travel past the SJUSD schools.

Community, School, and Social Ties and other Circumstances

The territory proposed for transfer has ties with SJUSD and the surrounding community because the petitioner’s children attend schools in SJUSD. The location of the territory at the end of a cul-de-sac without direct access makes it somewhat isolated from OGSD and ESUHSD, yet it is in close proximity and easily accessible to the SJUSD and the Almaden Valley community. Additionally, residents have been voting as SJUSD residents according to information from the Registrar of Voters.

The study team recommends that Criterion 2 is met.
3.0 CRITERION 3

California Education Code Section 35753 (a)(3) - The proposal will result in an equitable division of property and facilities of the original district or districts.

There is no real property located on the territory proposed for transfer — therefore, no such property will be divided. Currently, no students would change school districts as a result of the transfer. In addition, there is no reasonable basis for division of other property funds and obligations of affected districts.

The territory proposed for transfer will drop any liability for outstanding bonded indebtedness of the district(s) of which it was formerly a part and assume its proportionate share of the outstanding bonded indebtedness of the districts(s) of which it becomes a part. (Education Code Section 35575)

Provisions for the exchange of property tax revenue are set forth in Revenue and Taxation Code Section 99(i).

There would be no division of any property, funds or obligations, and current law would provide for shifts in responsibility of existing bonded indebtedness, if the territory was approved for transfer.

The study team recommends that Criterion 3 is met.

4.0 CRITERION 4

California Education Code Section 35753 (a)(4) – The reorganization of the districts will preserve each affected district’s ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.

School districts have a constitutional obligation to prevent racial and ethnic segregation and to alleviate the harmful effects of segregation. As such, any school district reorganization should not isolate minority students and deprive all students of an integrated educational experience.

The information on racial/ethnic groups in the affected districts is taken from the 2011-2012 California Basic Educational Data System (CBEDS) report. The racial/ethnic group categories used by CBEDS are:

- American Indian or Alaskan Native - A person having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation of community recognition.
• Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.

• Pacific Islander - A person having origins in any of the original peoples of the Polynesian, Micronesian, or Melanesian Islands.

• Filipino - A person having origins in any of the original peoples of the Philippine Islands.

• Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

• Black - Not of Hispanic origin, a non-Hispanic person having origins in any of the black racial groups of Africa.

• White - Not of Hispanic origin, a non-Hispanic person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Tables 3 and 4 depict the percentage and number of students in each of the racial/ethnic groups in the three affected school districts.

**Table 3 - Race/Ethnicity of Students in Affected Districts by Number**

<table>
<thead>
<tr>
<th></th>
<th>American Indian</th>
<th>Asian</th>
<th>Pacific Islander</th>
<th>Filipino</th>
<th>Hispanic</th>
<th>Black</th>
<th>Mult./No Response</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>OGSD</td>
<td>77</td>
<td>2,215</td>
<td>91</td>
<td>452</td>
<td>5,490</td>
<td>583</td>
<td>330</td>
<td>2,279</td>
</tr>
<tr>
<td>ESUHSD</td>
<td>92</td>
<td>7,632</td>
<td>194</td>
<td>2,134</td>
<td>12,319</td>
<td>851</td>
<td>393</td>
<td>2,023</td>
</tr>
<tr>
<td>SJUSD</td>
<td>183</td>
<td>4,168</td>
<td>158</td>
<td>596</td>
<td>17,440</td>
<td>1,050</td>
<td>1102</td>
<td>8,609</td>
</tr>
</tbody>
</table>

**Table 4 - Race/Ethnicity of Students in Affected Districts by Percentage**

<table>
<thead>
<tr>
<th></th>
<th>American Indian</th>
<th>Asian</th>
<th>Pacific Islander</th>
<th>Filipino</th>
<th>Hispanic</th>
<th>Black</th>
<th>Mult./No Response</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>OGSD</td>
<td>0.7</td>
<td>19.2</td>
<td>0.8</td>
<td>3.9</td>
<td>47.7</td>
<td>5.1</td>
<td>2.9</td>
<td>19.8</td>
</tr>
<tr>
<td>ESUHSD</td>
<td>0.4</td>
<td>29.8</td>
<td>0.8</td>
<td>8.3</td>
<td>48.0</td>
<td>3.3</td>
<td>1.5</td>
<td>7.9</td>
</tr>
<tr>
<td>SJUSD</td>
<td>0.5</td>
<td>12.5</td>
<td>0.5</td>
<td>1.8</td>
<td>52.4</td>
<td>3.2</td>
<td>3.3</td>
<td>25.8</td>
</tr>
</tbody>
</table>

There are no school-age children currently residing in the area proposed for transfer. Therefore, if the proposed territory transfer were approved, there would be no effect on the racial/ethnic balance of the affected districts by the proposed transfer. The potential number of students who could live within the area to be transferred would not be significant enough to impact the racial/ethnic balance of SJUSD.

The study team recommends that Criterion 4 is met.
5.0 CRITERION 5

California Education Code Section 35753 (a)(5) – Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

The State Board of Education has not adopted a regulation to implement this criterion. However, the School District Organization Handbook, 2006 edition, published by the State Department of Education, suggests that the following factors be considered in analyzing whether the proposal will increase state costs:

a. Whether implementation of the proposal would change one or more of the affected districts’ basic aid status.
b. Additional state costs for school facilities.
c. Other state special or categorical aid programs and any increased state costs if students transferring would qualify in the gaining district and not in the losing district.
d. The additional costs to the state if costs per student for special or categorical programs are higher in the gaining district.
e. The effect on the districts’ home-to-school and special education transportation costs and state reimbursements.
f. Increased costs resulting from additional schools becoming eligible for “necessary small school” funding pursuant to Sections 42280 through 42289.”

Revenue Limit

Table 5 illustrates the 2012-2013 base revenue limits per unit of average daily attendance (ADA) for each of the affected districts.

Table 5. Base Revenue Limits of Affected School Districts for 2012-13 Fiscal Year

<table>
<thead>
<tr>
<th>School District</th>
<th>Revenue Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>OGSD</td>
<td>$6,432.49</td>
</tr>
<tr>
<td>ESUHSD</td>
<td>$7,766.31</td>
</tr>
<tr>
<td>SJUSD</td>
<td>$6,729.72</td>
</tr>
</tbody>
</table>

Source: District Business and Advisory Services, SCCOE, January 2013.

Currently there are two school-aged children residing in the area proposed for transfer each attending school in SJUSD on interdistrict transfer agreements through high school. If approved, the transfer would have no immediate impact on the revenue limit of the three affected districts.
Cost Factors

1. Whether the implementation of the proposal would change one or more of the affected districts’ basic aid status.

The territory proposed for transfer has an assessed valuation of approximately $8 million generating total tax revenues of approximately $104,000. None of the affected school districts is a basic aid school district and therefore approval of the territory transfer would not cause any of the three districts to lose its basic aid status.

2. Additional state costs for school facilities.

The current school age students residing in the territory attend SJUSD on interdistrict transfer agreements and have done so at all grade levels. The number of students that would attend school in the future is small and would not generate additional state costs of school construction for SJUSD.

3. Other state special or categorical aid programs and any increased state costs if students transferring would qualify in the gaining district and not in the losing district.

Generally, state categorical aid is generated on the basis of individual needs of students. Any student eligible for categorical aid would take that state categorical money with them to the receiving districts if the transfer were to be approved. Since the amount per student for any particular categorical aid program is determined by the state and not the district, any increase in funding to the receiving districts for students eligible for categorical aid would be offset by the decrease in categorical funding from the districts losing the territory. Because the current school age students residing in the area proposed for transfer already attend SJUSD on interdistrict transfer agreements and the potential number of students in the areas is small it does not appear that the territory would generate additional categorical aid funding as a result of the transfer.

4. The additional costs to the state in costs per student for special or categorical programs are higher in the gaining district.

As stated above, there is no evidence that categorical aid programs in OGSD or ESUHSD cost any more in state funding than those same programs in SJUSD.
5. The effect on the districts home-to-school special education transportation costs and state reimbursements.

There are no students in the area proposed for transfer that rely on special education transportation. Additionally, students are already attending school in SJUSD and on interdistrict transfer agreements.

6. Increased costs resulting from additional schools becoming eligible for "necessary small school funding..."

All of the schools in the affected school districts are within 15 miles of other schools. The transfer of territory will not result in the creation of additional necessary small schools nor will it relegate existing schools to necessary small school status.

The study team recommends that Criterion 5 is met.

6.0 CRITERION 6

California Education Code Section 35753 (a)(6) - The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.

Currently there are two school aged children residing in the area proposed for transfer, each attending SJUSD on interdistrict transfer agreements. If the area was approved for transfer there would be no immediate change in the educational programs of the school. The potential number of students who could live within the area to be transferred would not significantly impact the educational programs or the ability of the districts to promote sound education performance in the affected schools.

Due to the small number of potential students from the territory proposed to be transferred, the study team recommends that the proposed transfer of territory will not significantly impact the teacher-pupil staffing ratio, class size, or academic offerings in the affected schools and districts.

The study team recommends that Criterion 6 is met.
7.0 CRITERION 7

California Education Code Section 35753 (a)(7) – Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

Currently there are two school aged children residing in the area proposed for transfer, each attending SJUSD on interdistrict transfer agreements. Therefore, there would be no immediate change in the housing needs of the school. Attendance in the affected districts by the potential number of students who could live within the area to be transferred would not statistically impact the need for additional housing in the affected schools.

The territory proposed to be transferred does not contain any school facilities. The number of students in the foreseeable future is not great enough by itself to significantly impact class size to the point where additional school facilities would be needed.

The study team recommends that Criterion 7 is met.

8.0 CRITERION 8

California Education Code Section 35753 (a)(8) - The proposed reorganization is primarily designed for purposes other than to significantly increase property values.

The purpose of Criterion 8 is to ascertain whether the primary reason for proposing the transfer of territory is for financial advantage to the owners.

Based on the original petition and statements made by the petitioners, there is no indication that this request is primarily designed to increase property values, rather the primary reasons are safety and community identity.

Comparison home values are difficult to find in the OGSD/ESUHSD and SJUSD as the homes on Graystone Lane have significantly more acreage than other homes in the vicinity. Additionally, a search on Zillow and MLS for comparisons and/or nearby homes results in home comparisons in the Almaden Valley area with few exceptions. One exception is homes on Rocking Horse Court, a cul-de-sac at the bottom of the hill and within OGSD/ESUHSD, where home values range from $1.02 million at the lowest to $2.4 million at the highest.
Comparisons to homes on Scenic Vista, where two properties were transferred from OGSD/ESUHSD to SJUSD in 2006, is also difficult as they are not comparable in size. In some cases, the square footage of the homes on Scenic Vista are double that of the homes on Graystone Lane.

Research into home values does not indicate that there would be a significant increase in home values if the properties are approved for transfer. Even if this were the case, the primary reason for the transfer proposal appears to be based on historical attendance within SJUSD, travel distance to the schools, community identity, and geographic isolation from the OGSD and ESUHSD.

The study team recommends that Criterion 8 is met.

9.0 CRITERION 9

California Education Code Section 35753 (a)(9) - The proposed reorganization will continue to promote sound fiscal management and not cause substantial negative effect on the fiscal status of the proposed district or any existing districts affected by the proposed reorganization.

There are no regulations on this subject. The CDE’s School District Organization Handbook provides the following:

The county committee should review and consider any potential revenue gains or losses resulting from community development, agency agreements or other pass-through agreements, loss of incremental taxes, Mello-Roos Community Facility District funds, parcel taxes, certificates of participation, basic aid, tax overrides, mitigation agreements with developers, and any other categorical or specialized funds (e.g. Public Law 874 funds and Timber Reserves).

(CDE’s School District Organization Handbook, 90.)

Average Daily Attendance
Currently all students residing in the area proposed for transfer attend school in SJUSD on transfer agreements so there would be no immediate loss of ADA. Historically, OGSD/ESUHSD have not been receiving ADA from these properties since 1987 and possibly earlier, as the affected districts have assumed residents were in the SJUSD boundaries.

Basic Aid Status
None of the three affected school districts are basic aid districts.
Parcel Tax
OGSD is the only affected school district that has a parcel tax; the parcel tax went into effect on July 1, 2010. The tax is $68 per parcel for four years; it is set to expire in 2014. If the transfer is approved, residents within the area proposed for transfer would drop their liability for the OGSD parcel tax.

Assuming the transfer is approved and becomes effective July, 2014 for tax purposes, there would be no loss in parcel tax income since the effective date of the transfer would occur at the time the parcel tax is scheduled to expire.

Assessed Valuation
The territory proposed for transfer has an assessed valuation of approximately $8 million generating total tax revenues of approximately $104,000. This represents .02% for ESUHSD and .07% for OGSD.

The study team recommends that Criterion 9 is met.

10.0 CRITERION 10
Any other criteria as the board (i.e. State Board or Education) may, by regulation, prescribe.

No other criteria were considered.
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Public Resources Code Section 21000 requires that public agencies review and document the environmental implications of their activities and actions. An activity or “project” under Public Resources Code Section 21065 is defined as follows:

“Project” means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

(a) An activity directly undertaken by any public agency.
(b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
(c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

The petition to transfer property was filed with the Santa Clara County Committee on School District Organization, and they are therefore considered the lead agency for CEQA issues. A Notice of Exemption will be submitted to the County Clerk of Santa Clara County and the California State Clearinghouse if the project is approved. See Appendix F for CEQA documents.

CONCLUSIONS

The nine criteria discussed in Sections 1.0 through 9.0 represent minimum criteria (Hamilton v. State Board of Education, [1981] 117 Cal.App.3d 132; Cal.Rptr. 748) that the County Committee is required to examine prior to approving/disapproving a request to transfer territory from one school district to another. The study team has analyzed the nine criteria and found that each has been met. However, if the County Committee determines that all nine conditions are substantially met, it has the discretion, but not the obligation, to approve the proposal. If all nine criteria are found to be met by the County Committee, they may choose to approve the proposed transfer if a compelling reason exists for the transfer or, conversely, may choose not to approve the transfer if a compelling reason exists not to approve it.
Appendix A
November 20, 2012

PETITION FOR TRANSFER OF TERRITORY

To the Superintendent of Schools of Santa Clara County:

Pursuant to Education Code Section 35700, subdivision (a), the undersigned, constituting at least 25 percent of the registered electors residing in the territory proposed to be transferred, now within the boundaries of the Oak Grove Elementary and East Side Union High School Districts, Santa Clara County, petition that the boundaries of the Oak Grove Elementary and East Side Union High School Districts be changed to eliminate from it the territory hereinafter described. The undersigned persons petition that the territory be transferred to and included within the San Jose Unified School District of Santa Clara County.

The property to be transferred is described as follows:

APN # 696-07-004, Address: 19994 Graystone Lane, San Jose, CA 95120
APN #s 696-07-010, 696-07-007 & 696-07-009, Address: 19997 Graystone Lane, San Jose, CA 95120
APN #s 696-06-012 & 696-06-013, Address: 19993 Graystone Lane, San Jose, CA 95120
APN # 696-06-016, Address: 19995 Graystone Lane, San Jose, CA 95120
APN # 696-06-018 & 696-06-006, Address: 19885 Graystone Lane, San Jose, CA 95120
APN #s 695-08-011 & 696-06-005, Address (mailing): 1131 Carla Drive, San Jose, CA 95120

The undersigned request the changes in the respective boundaries of the school districts for the following reasons:

1. The entrance to our parcels is from the Almaden Valley which is in the SJUSD. Currently and in the past, our children have attended SJUSD schools in the Almaden Valley. All of our neighbors that live off Graystone Lane are in SJUSD. Thus, the logical choice is San Jose Unified School District for all of our parcels.
2. There is no easy way for us to access the Oak Grove and East Side Union High Schools from our residences. The current territory map is probably based on outdated data when Almaden Valley had not been developed and was rural.
3. In regards to 19994 Graystone Lane: when we bought our parcel and started our home building process, we contacted San Jose Unified School District and were advised that our parcel was within the boundary of San Jose Unified School District. We paid our new construction school tax to San Jose Unified School District (see attached).
4. Our neighbors, the Gustavsons, had a similar issue as us and were successfully able to transfer their territory to SJUSD.
5. In regard to 19993 Graystone Lane: When Phil and Arleen Runels began the remodel on the above residence in 2003, they were instructed to pay their District Developer Impact fees to SJUSD — see attached for proof. All this time they thought their parcel was in SJUSD.

The Chief Petitioners for the purpose of receiving notices and so forth are:

Kuljeet S. Rai, M.D. 19994 Graystone Lane, S.J., CA 95120

1. [Signature]
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<tr>
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</tbody>
</table>
County of Santa Clara  
Building Inspection Division  
ATTN: Nan Su  
70 West Hedding Street, 7th Floor  
San Jose, California 95110  

May 1, 2003

Plan Check No.: 20774 & 20776  
Project Location: 19993 Graysone Ln.  
San Jose, CA 95120

**PLAN REVIEW RESPONSES**

1. Clearances from outside agencies are either pending or approved.

2. School District Fees have been paid. Refer to attached payment receipt.

3. Our Design Review (File 8662-03DR) is scheduled on the June 3rd, 2003 Planning Commission Hearing date.

4. Refer to p. 10 of the structural calculations. \( C_s = 0.40N_s \) for Soil Profile Type S1. \( N_s = 1.3 \) for Type B fault (Shannon Fault) approximately 2 km from subject property.

   \[
   \text{Base Shear, } V_B = [3.0 \frac{C_s}{R}] \times W \\
   = [3.0 \times (0.40 \times 1.3) / 5.5] \times W \\
   = 0.284 \frac{W}{1.4} \\
   = 0.203 W < 0.205 W
   \]

   Therefore, the calculations that follow the base shear calculation will remain the same since it is more conservative than the soils report allows.

5. Refer to pps. 4-6 of the structural calculations for porte cochere beam calculations.

6. Refer to Sheet S-3.

7. Refer to Sheet S-3 and S-4, roof framing note #5.

8. Existing roof pitch is 4:12. The Design Roof Live Load is 16 psf per CBC Table 16-C (the allowable rate of reduction is not utilized for this conservative design). Please refer to Design Loads on page 2 of the structural calculations.
Developer Impact Fee Compliance

Building permits will not be issued without a completed Certificate of Compliance.

Building Permit Application

The County of Santa Clara has received a request for a Building Permit Application described as follows:

X Residential Development Project ___ Commercial/Industrial Development Project

Name of Developer: Phil & Arleen Runels

Project Address: 18593 Grayston Ln. A.P.N. #: 696-06-012

Square Footage: 1401 Description: Addition to (5) SPR

Plan Check #: 55774

Date: 4/11/03 By: [Signature]

County Building Inspector

SCHOOL DISTRICT DEVELOPER IMPACT FEE
CERTIFICATE OF COMPLIANCE

The authorized representative of the School District has reviewed the Building Permit Application described above and hereby certifies that the developer or authorized representative has met the requirements of the District’s Developer Impact Fee requirements.

Dated: 5/21/03 By: [Signature] Authorized Representative

Certificate not valid without District Seal, Initial, and Date

School District — White County Bldg. Inspect. Office — Canary Requestor — Pink
CERTIFICATION OF COMPLIANCE/PAYMENT OF DEVELOPER FEES

APPLICANT

Developer/Owner: Philip R. Pitzer

Print Name: PHONE

Address: 3706 S. Bunker Hill Blvd.

City: LA

Construction Location: 11179 W. Graystone Lane San

Address: Street

Assessor's Parcel No. (APN): 376-26-513

Building Permit Application No(s): 20774 - 20776

The undersigned certifies under penalty of perjury that:

1. The above information is correct and true to the best of my knowledge and that I will file an amended certification of payment and pay the additional fee if I request an increase in the square footage after the building permit has been issued or if the initial determination of square footage is found to be incorrect.

2. I am the developer/owner of the above described project(s) or am authorized to sign on the developer/owner's behalf.

Signature of Developer/Owner/Designee: 408-767-3473 Date: 5/14/03

(Signature and Telephone Number)

II. SAN JOSE UNIFIED SCHOOL DISTRICT

This is to certify that the applicant listed in Section I has paid all developer fee amounts determined by the information presented above and due to the San Jose Unified School District under provision of Government Code section 65995. The payment of these fees is a prerequisite to the issuance of a building permit.

Project Exempt: No Yes Reason: ________________________________

Residential Single/Multi-Family Sq. Ft. 1401 X $2.05 per sq. ft. = $2872.05

Commerical/Industrial Sq. Ft. ______ X $ .33 per sq. ft. = ________

Agent for: SAN JOSE UNIFIED SCHOOL DISTRICT 5/21/03

Date: 25-903-000-9110-0-000-8681-0000-8700

rev 5/03
Appendix B
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<td>1131 Carla Drive (mailing address)</td>
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<td>696-06-005</td>
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</tbody>
</table>
Appendix C
December 17, 2012

Sue Burr
Executive Director, California State Board of Education
California State Board of Education
1430 N Street, Suite #5111
Sacramento, CA 95814

Dear Ms. Burr:

On October 17, 2012 the Santa Clara County Office of Education sent a letter validating a request to transfer two parcels from the Oak Grove School District and East Side Union High School District to the San Jose Unified School District. On November 20, 2012 the chief petitioner of that request, Dr. Kuljeet S. Rai, requested to pull his original transfer request and resubmit a revised transfer request. A copy of the revised request and a map of the property proposed for transfer are enclosed. I am providing the State Board of Education notice of this valid request pursuant to Education Code Section 35704.

Please contact Suzanne Carrig at (408) 453-6869 if you require additional information.

Sincerely,

Xavier De La Torre, Ed.D.
County Superintendent of Schools

cc: Chris Jew, Deputy Superintendent Oak Grove School District
    Chris Funk, Superintendent, East Side Union High School District
    Stephen McMahon, Chief Business Officer, San Jose Unified School District
    Larry Shirey, School Fiscal Services, California Department of Education
November 20, 2012

PETITION FOR TRANSFER OF TERRITORY

To the Superintendent of Schools of Santa Clara County:

Pursuant to Education Code Section 35700, subdivision (e), the undersigned, constituting at least 25 percent of the registered electors residing in the territory proposed to be transferred, now within the boundaries of the Oak Grove Elementary and East Side Union High School Districts, Santa Clara County, petition that the boundaries of the Oak Grove Elementary and East Side Union High School Districts be changed to eliminate from it the territory hereinafter described. The undersigned persons petition that the territory be transferred to and included within the San Jose Unified School District of Santa Clara County.

The property to be transferred is described as follows:

APN # 696-07-004. Address: 19994 Graystone Lane, San Jose, CA 95120
APN #s 696-07-010, 696-07-007 & 696-07-005. Address: 19997 Graystone Lane, San Jose, CA 95120
APN # 696-06-012 & 696-06-013. Address: 19993 Graystone Lane, San Jose, CA 95120
APN # 696-06-016. Address: 19995 Graystone Lane, San Jose, CA 95120
APN #s 696-06-018 & 696-06-006. Address: 19885 Graystone Lane, San Jose, CA 95120
APN #s 696-06-017, 696-06-011 & 696-06-005. Address (mailing): 1131 Carla Drive, San Jose, CA 95120

The undersigned request the changes in the respective boundaries of the school districts for the following reasons:

1. The entrance to our parcels is from the Almaden Valley which is in the SJUSD. Currently and in the past, our children have attended SJUSD schools in the Almaden Valley. All of our neighbors that live off Graystone Lane are in SJUSD. Thus, the logical choice is San Jose Unified School District for all of our parcels.
2. There is no easy way for us to access the Oak Grove and East Side Union High Schools from our residences. The current territory map is probably based on outdated data when Almaden Valley had not been developed and was rural.
3. In regards to 19994 Graystone Lane: when we bought our parcel and started our home building process, we contacted San Jose Unified School District and were advised that our parcel was within the boundary of San Jose Unified School District. We paid our new construction school tax to San Jose Unified School District (see attached).
4. Our neighbors, the Gustavsons, had a similar issue as us and were successfully able to transfer their territory to SJUSD.
5. In regard to 19993 Graystone Lane: When Phil and Arleen Runels began the remodel on the above residence in 2003, they were instructed to pay their District Developer impact fees to SJUSD – see attached for proof. All this time they thought their parcel was in SJUSD.

The Chief Petitioners for the purpose of receiving notices and so forth are:

Kuljeet S. Rai, M.D. 19994 Graystone Lane, S.J., CA 95120

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</table>
Plan Check No.: 20774 & 20776
Project Location: 19993 Graystone Ln.
San Jose, CA 95120

May 1, 2003

PLAN REVIEW RESPONSES

1. Clearances from outside agencies are either pending or approved.

2. School District Fees have been paid. Refer to attached payment receipt.

3. Our Design Review (File 8662-03DR) is scheduled on the June 3rd, 2003 Planning Commission Hearing date.

4. Refer to p.10 of the structural calculations. \( C_s = 40N_s \) for Soil Profile Type \( S_B \); \( N_s = 1.3 \) for Type B fault (Shannon Fault) approximately 2 km from subject property.

\[
V_B = \left[ 3.0 \frac{C_s}{R} \right] \times W \\
= \left[ 3.0 \frac{(40)(1.3)}{5.5} \right] \times W \\
= 0.284 W / 1.4 \\
= 0.203 W < 0.206 W
\]

Therefore, the calculations that follow the base shear calculation will remain the same since it is more conservative than the soils report allows.

5. Refer to pps. 4-6 of the structural calculations for porte cochere beam calculations.

6. Refer to Sheet S-3.

7. Refer to Sheet S-3 and S-4, roof framing note #5.

8. Existing roof pitch is 4:12. The Design Roof Live Load is 16 psf per CBC Table 16-C (the allowable rate of reduction is not utilized for this conservative design). Please refer to Design Loads on page 2 of the structural calculations.
County of Santa Clara
Department of Planning & Development
Building Inspection Office
County Government Center, East Wing
205 W. Hedding Street
San Jose, California 95110
(408) 299-3121

Developer Impact Fee Compliance

Building permits will not be issued without a completed Certificate of Compliance.

Building Permit Application

The County of Santa Clara has received a request for a Building Permit Application described as follows:

X Residential Development Project ___ Commercial/Industrial Development Project

Name of Developer: Phil & Arleen Runels

Project Address: 19993 Grayston Ln. A.P.N. #: 696-06-012

Square Footage: 1401 Description: Addition to (5) 525 sf

Plan Check #: 20774

Date: 4/11/03 By: [Signature] County Building Inspector

SCHOOL DISTRICT DEVELOPER IMPACT FEE
CERTIFICATE OF COMPLIANCE

The authorized representative of the School District has reviewed the Building Permit Application described above and hereby certifies that the developer or authorized representative has met the requirements of the District's Developer Impact Fee requirements.

Dated: 5/21/03 By: [Signature] Authorized Representative

Certificate not valid without District Seal, Initial, and Date

School District — White County Bldg. Inspect. Office — Canary Requestor — Pink

S9410.REV502
CERTIFICATION OF COMPLIANCE/PAYMENT OF DEVELOPER FEES

APPLICANT
Developer/Owner: [Print Name] [Phone]
Address: [Street]
City: [State] [Zip Code]

Construction Location: [Address] [Street]
Assessor's Parcel No. (APN): [Number]

Building Permit Application No(s): [Number]

The undersigned certifies under penalty of perjury that:
1. The above information is correct and true to the best of my knowledge and that I will file an amended certification of payment and pay the additional fee if I request an increase in the square footage after the building permit has been issued or if the initial determination of square footage is found to be incorrect.
2. I am the developer/owner of the above described project(s) or am authorized to sign on the developer/owner's behalf.

Signature of Developer/Owner/Designee: [Signature] (Area Code) Telephone No. [Number] Date [Date]

SAN JOSE UNIFIED SCHOOL DISTRICT

This is to certify that the applicant listed in Section I has paid all developer fee amounts determined by the information presented above and due to the San Jose Unified School District under provision of Government Code section 65995. The payment of these fees is a prerequisite to the issuance of a building permit.

Project Exempt: No Yes Reason: 

Residential Single/Multi-Family Sq. Ft. [1401] $2.05 per sq. ft. $2872.05

Commercial/Industrial Sq. Ft. $0.33 per sq. ft. 

Agent for: SAN JOSE UNIFIED SCHOOL DISTRICT [Signature]
Date: 5/21/03

25-903-000-9110-0-000-8681-0000-8700

rev 5/03
NOTICE OF PUBLIC HEARINGS

ON:

A PROPOSED TRANSFER OF TERRITORY
FROM
OAK GROVE SCHOOL DISTRICT AND
EAST SIDE UNION HIGH SCHOOL DISTRICT
TO
SAN JOSE UNIFIED SCHOOL DISTRICT

The Santa Clara County Committee on School District Organization will conduct public hearings to obtain public response to a request to transfer 12 parcels on Graystone Lane from Oak Grove School District/East Side Union High School District to San Jose Unified School District.

Public hearings will be held at the following locations and times:

Wednesday, January 23, 2013  3:30 p.m.
Oak Grove School District – Board Room
6578 Santa Teresa Blvd.
San Jose

Wednesday, January 23, 2013  5:30 p.m.
San Jose Unified School District – Room 337 (3rd Floor)
855 Lenzen Ave.
San Jose

For more information regarding the process and public hearings, contact Suzanne Carrig at (408) 453-6869.
NOTICE OF PUBLIC HEARINGS

ON:

A PROPOSED TRANSFER OF TERRITORY
FROM
OAK GROVE SCHOOL DISTRICT AND
EAST SIDE UNION HIGH SCHOOL DISTRICT
TO
SAN JOSE UNIFIED SCHOOL DISTRICT

The Santa Clara County Committee on School District Organization will conduct public hearings to obtain public response to a request to transfer 12 parcels on Graystone Lane from Oak Grove School District/East Side Union High School District to San Jose Unified School District.

The public hearing will be held at the following location and time:

Wednesday, February 13, 2013  4:00 p.m.
Oak Grove School District – Professional Development Center (PDC)
6578 Santa Teresa Blvd.
San Jose

For more information regarding the process and public hearings, contact Suzanne Carrig at (408) 453-6869.
NOTICE OF
CALIFORNIA ENVIRONMENTAL
QUALITY ACT
PUBLIC HEARINGS

ON:

A PROPOSED TRANSFER OF TERRITORY
FROM
OAK GROVE SCHOOL DISTRICT AND
EAST SIDE UNION HIGH SCHOOL DISTRICT
TO
SAN JOSE UNIFIED SCHOOL DISTRICT

Public Resources Code Section 21000 requires that public agencies review and document the environmental implications of their activities and actions. Under Public Resources Code Section 21065 school district reorganization is considered a project and therefore is subject to review.

The Santa Clara County Committee on School District Organization will conduct a public hearing to obtain public response to a request to transfer 13 parcels from Oak Grove School District and East Side Union High School District to San Jose Unified School District.

Public hearings will be held at the following location and time:

Wednesday, February 13, 2013  4:00 p.m.

Oak Grove School District – Professional Development Center (PDC)
6578 Santa Teresa Blvd.
San Jose

For more information regarding the above issues, contact Suzanne Carrig at (408) 453-6869
DESCRIPTION OF PETITION
TO TRANSFER TERRITORY FROM
OAK GROVE SCHOOL DISTRICT AND
EAST SIDE UNION HIGH SCHOOL DISTRICT
TO
SAN JOSE UNIFIED SCHOOL DISTRICT

Education Code Section 35705.5 requires that the County Committee on School District Organization make available to the public and to the governing boards affected by the petition a description of the petition, including:
1. The rights of the employees in the affected districts to continued employment.
2. The revenue limit per unit of average daily attendance for each affected district and the effect of the petition, if approved, on such revenue limit.
3. Whether the districts involved will be governed, in part, by provisions of a city charter and, if so, in what way.
4. Whether the governing boards of any proposed new district will have five or seven members.
5. A description of the territory or districts in which the election, if any, will be held.
6. Where the proposal is to create two or more districts, whether the proposal will be voted on as a single proposition.
7. Whether the governing board of any new district will have trustee areas and, if so, whether the trustees will be elected by only the voters of that trustee area or by voters of the entire district.
8. A description of how the property, obligations, and bonded indebtedness of existing districts will be divided.
9. A description of when the first governing board of any new district will be elected and how terms of office for each new trustee will be determined.

Description of Petition

The proposal requests a transfer of 12 parcels from Oak Grove School District and East Side Union High School District to San Jose Unified School District. A map of the territory proposed for transfer and a list of the Assessor Parcel Numbers (APNs) are attached.

The chief petitioner is:

Kuljeet S. Rai
19994 Graystone Lane
San Jose, CA 95120
1. **The rights of the employees in the affected districts to continued employment:**

Not applicable to the current proposal. The rights of the employees to continued employment will not be affected by the proposed territory transfer.

2. **The revenue limit per unit of average daily attendance for each affected district and the effect of the petition, if approved, on such revenue limit.**

According to records maintained by the Santa Clara County Office of Education's District Business Services, the base revenue limits per unit of average daily attendance for the affected school districts (as of January 2013) are as follows:

- Oak Grove School District: $6,432.49
- East Side Union High School District: $7,766.31
- San Jose Unified School District: $6,729.72

Records indicate that there are two public school students in the area proposed for transfer currently attending school in the San Jose Unified School District on interdistrict transfers. There would be no immediate effect on the revenue limits of the affected districts.

3. **Whether the districts involved will be governed, in part, by provisions of a city charter and, if so, in what way.**

Not applicable to the current petition.

4. **Whether the governing boards of any proposed new district will have five or seven members.**

Not applicable to the current petition.
5. A description of the territory or districts in which the election, if any, will be held.

If an election is required, the election area will be the area proposed for transfer. This specification is subject to change pending information obtained in the public hearings [EdC § 35705], completion of the feasibility report [EdC § 35710], and approval of the petition [EdC § 35706].

Pursuant to the provisions of California Education Code section 35710.1, notwithstanding any other provision of law, an election may not be called to vote on a petition to transfer territory if the election area for that petition, as determined pursuant to Section 35732, is uninhabited territory as described in Section 35517.

6. Where the proposal is to create two or more districts, whether the proposal will be voted on as a single proposition.

Not applicable to the current petition; the petition does not propose the creation of any new district(s).

7. Whether the governing board of any new district will have trustee areas and, if so, whether the trustees will be elected by only the voters of that trustee area or by voters of the entire district.

Not applicable to the current petition.

8. A description of how the property, obligations, and bonded indebtedness of existing districts will be divided.

The area proposed for transfer contains no public school property or buildings. The plans and recommendations of the County Committee on School District Organization would stipulate the division of any other property, funds or obligations (except bonded indebtedness) affected by the proposed transfer. The County Committee may use any equitable means to divide the property, funds and obligations, including assessed valuation, average daily attendance (ADA), or value and location of property. [EdC §§ 35560, 35736]
If the territory is transferred, it will drop any liability for outstanding bonded indebtedness of the district of which it was formerly a part and assume its proportionate share of the outstanding bonded indebtedness of the district of which it becomes a part. [EdC § 35575]

Provisions for the exchange of property tax revenue are set forth in Revenue and Taxation Code Section 99 (i).

9. A description of when the first governing board of any new district will be elected and how terms of office for each new trustee will be determined.

Not applicable to the current petition; this petition does not propose the creation of any new district(s).
Santa Clara County
Committee on School District Organization
Public Hearing
January 23, 2013
5:30 p.m.
Proposed Transfer of Territory from
Oak Grove School District and East Side Union High School District
to
San Jose Unified School District

Location: San Jose Unified School District
855 Lenzen Ave., San Jose

Committee Members Present: County Office Staff Present:
Nejleh Abed Suzanne Carrig
Albert Beltran, Jr.
Frank Biehl
Javier Gonzalez
Mandy Lowell
Josephine Lucey
Eleanor Yick
Michele van Zuiden

Prior to hearing public comments, staff member Suzanne Carrig reviewed the public hearing process and the description of the transfer proposal.

Kuljeet Rai, Chief Petitioner:
Mr. Rai made the following statements:

- Mr. Rai introduced himself and three other homeowners from the transfer area; they represent four of the 6 homeowners in the territory.
- Moved from India to the U.S. in 1969 and grew up in the Blossom Hill area of San Jose.
- In 1987 Mr. Rai and his brother purchased a home off of Graystone Lane; nieces and nephew attended SJUSD schools, for this reason he always believed homes on Graystone Lane were within SJUSD.
- Prior to living on Graystone, Rai family lived in Morgan Hill (1997-2011) and their two daughters attended school in SJUSD on interdistrict transfer agreements.
- Rai Family built a home on Graystone Lane and paid construction fees to SJUSD and daughters attended school in SJUSD.
On July 18, 2012 he received a letter from Jill Case,Administrator of Student Assignment in SJUSD, stating that the property was actually within OG/ESUHSD boundaries. However, the girls would be able to attend SJUSD schools through high school.

Currently, the only affected students in the area proposed for transfer are Mr. Rai’s two daughters.

Neighbors always believed their homes were within SJUSD. In 2003 one neighbor paid construction fees to SJUSD.

In 2000, the Gustavson Family, who has property adjacent to theirs, transferred their home from OG/ESUHSD to SJUSD.

Homes on Graystone Lane have an official Graystone Lane address and Graystone Lane is the only access point in and out of the area.

If kids attended school in OG/ESUHSD they would have to drive through SJUSD and pass their current schools to get there.

Do not want a one-time exception through interdistrict transfers, future families would be in the same predicament.

**Member Nejleh Abed:**

Asked where the homes were located in the transfer area.

There was a discussion regarding home location, access routes, and undeveloped hillside. Mr. Rai stated that much of the surrounding area in non-buildable due to the slope of the hills.

**Member Mandy Lowell:**

Member Lowell asked the following questions:

- Where the parcels from the 2000 transfer were located.
- Would like to know what the zoning is in the area; how many potential parcels in the area are buildable?
- Is there a back road?
- Why the petitioner chose these parcels for the transfer.
- Are there other potential homeowners who see themselves as part of this community and may want to transfer in the future?
- Did the Gustavons ask anyone on Graystone to be part of their transfer?

**Mr. Rai:**

Stated that there is only one access point in and out of the transfer area. He mentioned that there is a legally abandoned driveway that is narrow and used for emergency vehicles.

Mr. Rai also stated that all home on Graystone Lane have been included in the transfer request and that the Gustavons live on another road – Scenic Vista – and their property cannot be accessed from the transfer area.
Ms. Arleen Runels, Resident:
Ms. Runels stated that she is a homeowner in the area and owns three separate parcels, however there is only a home on one of the parcels as the other two are unbuildable.

Dale Nakashima, another homeowner, stated that she owns 150 acres but is unable to build another home on the other parcels.

Committee Chair, Frank Biehl:
Mr. Biehl clarified with the chief petitioner that the only access in and out of the transfer area was through Almaden Valley within SJUSD, that the petitioner always believed he was within SJUSD, and that the request is to correct this.

Member Abed:
Asked if the territory was in the unincorporated area of the county.

Mr. Rai stated that the homes are in the unincorporated area and under the sphere of influence of San Jose.

Member Lowell:
Asked what district the residents vote in.

Staff stated that the Registrar of Voters shows the properties voting within San Jose Unified.

Member Lowell asked staff to contact SJUSD staff to find out if there are other similar issues in the district.

Member Javier Gonzalez:
Stated that as the committee and staff are looking at boundaries, take a close look at the area on the other side of the hill and determine the ingress/egress and make sure they’re not part of this.

Member Lowell asked that staff make a note of the previous transfer of Scenic Vista noting the different entrance ways.

Member Abed asked that staff find out what types of properties are on the other side of the transfer area and to notice that the residents in the transfer area pay their property taxes to OG/ESUHSD but vote in the SJUSD.
Arleen Runel, Resident:  
Clarified the property locations and the road ways into and out of the properties. Ms. Runel also described the surrounding roads and access points and lack thereof into and out of the property proposed for transfer.

Statements from the Affected Districts

There were no statement made from the affected districts.

Annie Jonasson, resident:  
Ms. Jonasson stated that her late father owned the property for over 30 years and she now owned the property. She has a total of three parcels – two on Graystone Lane and one with an address on Colleen Drive – two of the parcels are unbuildable.

Dale Nakashima, resident:  
Stated that the elevation of her property was about 278 feet (corrected by Mr. Kai, 500-900 feet) and that the grade of the property is steep. She stated that much of the property is on a slope and not buildable. The creek is a natural boundary between the home and the OG/ESUHSD. She concluded that there is only one house on the property, she would be able to build an in-law size unit but the property is only zoned for one residential home.

The public hearing ended at 6:20 p.m.
Santa Clara County
Committee on School District Organization
Public Hearing
February 13, 2013
4:00 p.m.
Proposed Transfer of Territory from
Oak Grove School District and East Side Union High School District
to
San Jose Unified School District

Location: Oak Grove School District
6578 Santa Teresa Blvd., San Jose

Committee Members Present: County Office Staff Present
Albert Beltran, Jr.
Frank Biehl
Javier Gonzalez
Josephine Lucey
Eleanor Yick
Suzanne Carrig

- Due to traffic conditions the opening of the public hearing was delayed until 4:05 p.m.

- CEQA public hearing was opened at 4:07 p.m. There were no public comments pertaining to CEQA. The CEQA hearing was closed at 4:08 p.m.

- Prior to hearing public comments, staff member Suzanne Carrig reviewed the public hearing process and the description of the transfer proposal.

Kuljeet Rai, Chief Petitioner:
Mr. Rai made the following statements:
- Mr. Rai introduced himself and stated that he would provide a brief review of his reasons for the transfer request.
- In 1987 Mr. Rai and his brother purchased a home off of Graystone Lane; nieces and nephew attended SJUSD schools, for this reason he always believed homes on Graystone Lane were within SJUSD.
- Rai Family built a home on Graystone Lane and paid construction fees to SJUSD and daughters attended school in SJUSD.
On July 18, 2012 he received a letter stating that the property was actually within OG/ESUHSD boundaries. However, the girls would be able to attend SJUSD schools through high school.

Currently, the only affected students in the area proposed for transfer are Mr. Rai’s two daughters.

Homes on Graystone Lane have an official Graystone Lane address and Graystone Lane is the only legal access point in and out of the area.

If kids attended school in OG/ESUHSD they would have to drive through SJUSD and pass their current schools to get there.

Do not want a one-time exception through interdistrict transfers, future families would be in the same predicament.

Affected Districts

Chris Jew, Deputy Superintendent, Oak Grove School District:
Mr. Jew made the following statements:
  • He visited the area proposed for transfer.
  • There was an oversight made on the part of San Jose Unified regarding the boundaries and collection of development fees.
  • Boundaries of the school districts have not changed; not sure how San Jose Unified made the error.
  • Entrance to area has a private gate.
  • There is an access road to the territory on the Oak Grove side of the hill – 222 Snell Road (pictures of the road were handed out – see attached).
  • There are other options available to residents of this area where Oak Grove School District can keep the property in the district.

Jose Manzo, Superintendent, Oak Grove School District:
Mr. Manzo made the following statements:
  • This is a significant part of real estate within the district and would like to preserve that.
  • There is potential future development in this area.
  • The area has historically been part of the Oak Grove School District
  • Ridge line is on the Oak Grove side.
  • Things can change and the area may be developed in the future and affect the Oak Grove School District in a significant way.
  • The district and the board has an interest in keeping the area within the district.
  • Amenable to interdistrict transfers in the future.
Member Josephine Lucey:
Asked Superintendent Manzo if Oak Grove is a basic aid district or revenue limit district.
*Superintendent Manzo answered that the district is revenue limit.*

Member Lucey asked - Under the local control funding model do you expect district funding to go up or down.
*Superintendent Manzo stated that if it is put into effect, the district would expect to see a slight increase in revenue, but he stated that it’s too early to really say.*

Member Javier Gonzalez:
Asked what the financial impact would be to the district if these parcels were transferred.

Suzanne Carrig, Staff to County Committee:
Provided the current assessed valuation and tax revenue for the area proposed for transfer but stated that the district is revenue limit and that there are currently no students in the area attending Oak Grove (intradistrict transfer to SJUSD) so there would be no immediate financial impact on the district.

*Superintendent Manzo* stated that was true for now but that in the future new development could change the situation and that is what the district is focused on. *Superintendent Manzo* also explained the term “grandfathering” stating that the district would allow the current residents/homeowners to attend SJUSD but future residents/homeowners would have to attend school in Oak Grove.

There was discussion between Committee Chair Frank Biehl and representatives of the Oak Grove school district regarding interdistrict transfer agreement approval and whether or not such agreements could be rescinded.

Kuljeet Rai, Petitioner:
Mr. Rai responded to the statements made by the Oak Grove School District representatives.
- Regarding the Snell Street entrance, Mr. Rai stated that back in the 1960’s there were to homes in the area – original homes to this area – and they used this gate.
- When Graystone Lane was constructed the Snell road was legally abandoned and the two homes changed their street address to Graystone Lane and that is now the legal entrance for the homes.
- Snell is a one lane road that is narrow and dangerous.
- The road has caused some issue with trespassers – some maps show it as a legal/public road but it is not.
- The post office moved the mailbox from this road due to repeated vandalism and the new mail box location is on Graystone Lane.
• Regarding future development – the Rai’s purchased 48 acres with the intent to subdivide the property but the property is zoned as hillside, the slope is in excess of 30 percent – so it is unbuildable pursuant to county code.
• Scenic Vista property, which is adjacent, successfully transferred their property into SJUSD.

Ms. Arleen Runels, Resident:
Ms. Runels made the following statements:
• Owns one of the two original properties.
• Gustavson property on Scenic Vista is contiguous with the area proposed for transfer.
• Bought home in 2002, remodeled and moved back in 2005; fees paid to SJUSD.
• There are large PG&E towers on top of the property; land there cannot be developed near or underneath the towers. Future development will not happen; the laws on that are strict.
• Canal is an issue, it’s like a fence/geographical boundary.
• Graystone Lane is our entrance to the property.

Dale Nakashima, Resident:
• Lives in the other original house in the area.
• There were no other buildings originally and Snell Road was the only entrance; it is one lane and it’s on a hillside which makes it very rocky and cannot be widened. Graystone Lane is two lanes.
• Ms. Nakashima leases Snell Rd. to cowboys who bring hay to their cattle.
• All homes in the area proposed for transfer are on the crest and, geographically speaking, homes are on the Almaden Valley side of the hill.
• Identify with Almaden Valley neighborhood – neighborhood watch, emergency contact neighbors are all share with Almaden Valley neighbors.
• Ms. Nakashima owns 150 acres and she can’t build another home on her property.

Bill Carlson, Resident:
• Owns 25 acres and can’t build anymore on that property.
• There’s no access across the canal.
• Snell Rd. – used to be a dirt driveway; seven years ago it was paved but it is very narrow and not practical. It is not an official county road by Graystone Lane is.
• Regarding the grandfathering issue (interdistrict transfers) – we have grandkids, where will they go to school?
• The current boundary is arbitrary, the canal should be used as the natural geographic border.
Claire Rai, Resident:

- Stated she has two children attending school in SJUSD on transfer.
- An interdistrict transfer can get you into the district but it does not guarantee the kids entrance into the neighborhood school.
- A boundary change would ensure the children could attend their neighborhood school.

The public hearing ended at 4:40 p.m.
Definition of Geographic Isolation
A situation in which the duration and/or safety of the commute between the territory proposed for transfer and the closest school within the school district of residence causes an extreme hardship to the student(s) residing in the territory.

Criteria for Determining Extreme Hardship
The two general criteria for determining extreme hardship are (1) duration of the commute and (2) safety of the commute.

Commute Duration
All “commute safety” criteria being equal, an extreme hardship exists if the length of time to travel between the territory proposed for transfer and the closest school district of residence exceeds the length of time to travel between the territory and the closest school within the desired school district by 20 (twenty) or more minutes.

Commute Safety
The two commute safety criteria to be considered are (1) road and/or street conditions and (2) traffic patterns.

- Road and/or Street Conditions
  All “commute duration” and “traffic pattern” criteria being equal, an extreme hardship exists if “road and/or street conditions” place the student(s) in significantly greater danger during the commute between their homes and the closest school within the school district of residence than during the commute between their homes and the closes school within the desired school district. “Road and/or street conditions” may include, but not necessarily be limited to, width, number of lanes, repair history, speed limit, grade, visibility, frequency of road closures, existence of shoulders or sidewalks, etc.

- Traffic Patterns
  All “commute duration” and “road and/or street conditions” criteria being equal, an extreme hardship exists if “traffic pattern conditions” place the student(s) in significantly greater danger during the commute between their homes and the closest school within the school district of residence than during the commute between their homes and the closest school within the desired school district. “Traffic pattern condition” may include, but not necessarily limited to, volume of traffic, direction of commute traffic, accident history, etc.

The County Committee also may consider exceptional circumstances of a particular territory or area surrounding the territory.
Notice of Exemption

Form D

To: Office of Planning and Research
    PO Box 3044, 1400 Tenth Street, Room 212
    Sacramento, CA 95812-3044

From: (Public Agency)____________________________

Santa Clara County Office of Education

1290 Ridder Park Dr., San Jose, CA 95131

(Address)

X County Clerk
County of Santa Clara County

Project Title: Transfer of Territory: Oak Grove School District/East Side Union High School District to San Jose Unified School District

Project Location – Specific: Attached is a list of addresses and parcel numbers for the territory proposed for transfer.

Project Location – City: unincorporated San Jose Project Location – County: Santa Clara

Description of Project:
Proposal to transfer 13 parcels from OGSD/ESUHSD to SJUSD

Name of Public Agency Approving Project: Santa Clara County Committee on School District Organization

Name of Person or Agency Carrying Out Project: Santa Clara County Committee on School District Organization

Exempt Status: (check one)

☐ Ministerial (Sec. 21080(b)(1); 15269);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
X Categorical Exemption. State type and section number Article 19, Section 15320 Class 20
☐ Statutory Exemptions. State code number: ______________________

Reasons why project is exempt: Minor boundary change between to local agencies (school districts).

Lead Agency
Contact Person: Suzanne Carrig Area Code/Telephone/Extension: (408) 453-6869

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: ____________________________ Date: __________ Title: Administrative Program & Evaluation Specialist

X Signed by Lead Agency Date received for filing at OPR: __________________

☐ Signed by Applicant