FEASIBILITY STUDY
FOR A REQUEST TO TRANSFER TERRITORY
FROM
MORGAN HILL UNIFIED SCHOOL DISTRICT TO
SAN JOSE UNIFIED SCHOOL DISTRICT

March 2018

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. Mary Ann Dewan, County Superintendent
BACKGROUND

A request to transfer territory from Morgan Hill Unified School District (MHUSD) 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 request.

The territory proposed for transfer includes 33 parcels located on Country View Lane, Country View Drive, McKean Road, Lago Vista Court, and Country View Court in unincorporated San Jose, ZIP Code 95120. The total acreage of the territory is approximately 509 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 October 24, 2017 and the signatures were validated by the Santa Clara County Registrar of Voters on November 8, 2017. The petition was subsequently transmitted to the County Committee and State Board of Education on November 21, 2017 (see Appendix C). The public hearings mandated by Education Code Section 35705 were held on January 8, 2018 at the Morgan Hill Unified district office and on February 5, 2018 at the San Jose Unified district office. Appendix D contains a copy of the notices of the public hearings, description of petition, and minutes from both public hearings.

Petitioners have requested the transfer for the following reasons, as stated on the petition:

    The schools in San Jose are closer than Morgan Hill and more convenient. Any parent working in San Jose or Silicon Valley can drop and pick up their children on the way to and from work (or home). This will mean not adding to the traffic on 101 going to and from Morgan Hill.

Both MHUSD and SJUSD are opposed to the transfer request. Appendix E contains a copy of the resolution from the MHUSD Board, a letter from MHUSD outlining its opposition to the transfer, and a letter from SJUSD Superintendent Nancy Alberrán opposing the transfer.
The purpose of this study is to analyze the feasibility of the proposed territory transfer from MHUSD to SJUSD under the ten criteria used by the State Board of Education in approving proposed territory transfers and to present the data and information on which the analysis is based. The feasibility report expresses no view on whether the petition should be granted. This decision remains within the discretion of the County Committee, as discussed herein.

The ten criteria under which the territory transfer is analyzed are contained in Education Code Section 35753. They include the following:

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.
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 18573 (a), which states that an elementary school district should have a projected enrollment of 901 students, a high school district should have a projected enrollment of 301 students and a unified district should have a projected enrollment of 1,501 on the date the boundary change becomes effective for all purposes. Current student enrollments (taken from the 2016-2017 California Basic Educational Data System (CBEDS) reports) for each of the affected school districts are depicted in Table 1.

Table 1 – 2016-2017 CBEDS Enrollments of Affected School Districts

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<tr>
<th>School District</th>
<th>Enrollment</th>
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<tr>
<td>MHUSD</td>
<td>9,137</td>
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According to district records there are currently no public school students from the area proposed for transfer attending either MHUSD or SJUSD schools so there would be no immediate impact on the enrollment status of either district. The number of potential students that could reside in the area proposed for transfer now or in the future would not be large enough to negatively affect the enrollment of MHUSD.

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.
No single factor is likely to determine that community identity exists. The County Committee probably will need to examine several attributes of the population and the makeup of the territory in question to make a judgment on this condition. Some indicators that the Committee might study include types of housing, parks and recreation facilities and programs, sports activities, transportation patterns, geopolitical factors, and shopping patterns.

a. Similarity of architecture, size, and style of homes can create a sense of community identity. A homogeneous housing development would likely generate a sense of community among the residents.

b. The usage patterns of parks and school facilities for recreation programs and sports activities for youth can indicate a community identity.

c. Traffic patterns and public transportation systems and routes may have an impact on community identity.

d. Geopolitical factors such as topography and city council, county supervisor, and special district electoral districts might also create a sense of community among the citizens of an area. Post office names and zip code areas also could contribute.

e. Neighborhood and regional shopping patterns are often well defined and play a part in the way people see themselves.

f. There is no legal necessity that school district boundaries match city boundaries.


A. Isolation

The property proposed for transfer, as well as the surrounding area, is somewhat rural in nature and is somewhat isolated from both MHUSD and SJUSD. The nature of the Calero Lake Estates neighborhood is such that homes are in the hills above Calero Reservoir on large lots; the average lot size in the area proposed for transfer is 15 acres. The area is bordered by Calero Lake Reservoir County Park to the South and Santa Teresa County Park to the north. There is one entrance/exit to the neighborhood located at the intersection of McKean Road and Country View Drive. Some residences are 0.8 to 1.3 miles from this entrance/exit. Figures 1 and 2 illustrate the rural nature of the area proposed for transfer and the surrounding territory and Figure 3 illustrates the roads in the area proposed for transfer and the entrance/exit to the neighborhood.
Figure 1. Transfer Area and Surrounding Area Facing Calero Reservoir

Figure 2. Overview of Area Proposed for Transfer
Figure 3. Roads in Area Proposed for Transfer

General Transfer Area

Entrance/Exit
B. Geography
The area is geographically similar for both the portion of the area in MHUSD and the SJUSD. Therefore, the factor of geography is not relevant.

Figure 4. Overview of Area Geography

C. Distance from Social Centers
There are no social centers or retail establishments in the immediate area surrounding the property proposed for transfer. Personal preference will dictate where residents go. Two residents made statements at the public hearings indicating that they attend church and other community activities in Almaden Valley.

D. Distance from School Centers
Petitioners claim that the distance to SJUSD schools is shorter than the distance to schools in MHUSD. Travel distances and times from the property to the elementary, middle, and high schools are illustrated in Table 2. Please note that distance/time to schools was measured from the intersection of Country View Drive and McKean Road as all residents would need to exit the area proposed from transfer at this point to travel to either school district. Time was not recorded at peak commute hours.
Table 2. Travel Distance and Time

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<th>Schools</th>
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<th>Time (Minutes)</th>
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<td><strong>Elementary Schools</strong></td>
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<tr>
<td>Los Paseos (MHUSD)</td>
<td>6.4 miles</td>
<td>11 minutes</td>
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<tr>
<td>Graystone (SJUSD)</td>
<td>4.4 miles</td>
<td>9 minutes</td>
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<tr>
<td><strong>Middle Schools</strong></td>
<td></td>
<td></td>
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<tr>
<td>Murphy (MHUSD)</td>
<td>6.3 miles</td>
<td>10 minutes</td>
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<td>Bret Harte (SJUSD)</td>
<td>4.3 miles</td>
<td>9 minutes</td>
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<tr>
<td><strong>High Schools</strong></td>
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<tr>
<td>Sobrato (MHUSD)</td>
<td>9.9 miles</td>
<td>15 minutes</td>
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<tr>
<td>Leland (SJUSD)</td>
<td>4.6 miles</td>
<td>11 minutes</td>
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Travel to Los Paseos Elementary School and Martin Murphy Middle School was done via McKean Road to Bailey Avenue to Santa Teresa Boulevard. Travel to Sobrato High School was done via McKean Road to Bailey Avenue to Monterey Road. Travel on Highway 101 is not required when travelling to MHUSD schools.

Travel to Graystone Elementary School is done via McKean Road to Harry Road to Camden Avenue. Travel to Bret Harte Middle School is done via McKean Road and Almaden Expressway. Travel to Leland High School is done via McKean Road to Harry Road to Camden Avenue. Figure 5 illustrates the approximate location of the schools in MHUSD and SJUSD in relation to the area proposed for transfer.
Figure 5. Location of Schools in MHUSD and SJUSD to Transfer Area
The differences in these travel distances and 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 F).

E. Topography
The topography of the area proposed for transfer, as well as the surrounding territory, is the same throughout and is therefore not a factor.

F. Weather
Weather is the same throughout and is therefore not a factor.

G. Community, School, and Social Ties and other Circumstances

Community, School, and Social Ties:
Two residents of the area proposed for transfer stated at the public hearings that they feel more community and social ties to Almaden Valley than Morgan Hill. Records from both affected school district indicate that there are currently any school age children attending MHUSD or SJUSD schools. One resident who spoke at the public hearing stated that his children attend a private school. The chief petitioner also stated that the property is within San Jose. Representatives from MHUSD state that approximately 22% of MHUSD is located in unincorporated areas of Santa Clara County and 12% of MHUSD is located in the City of San Jose. Additionally, there is no legal necessity that school district boundaries match city boundaries. Almost all school districts in Santa Clara County include multiple municipalities within their boundaries and vice versa, with some municipalities having multiple school districts within their boundaries. The City of San Jose, for instance, has 19 different school districts within the city limits. The situation presented by the petitioners is not unique to Santa Clara County.

Other Circumstances:
In response to inquiries from County Committee members regarding bus transportation, MHUSD stated that the district currently has a bus stop approximately 4 miles from the area proposed for transfer on McKea Road. SJUSD has a bus stop that serves the Almaden Valley students at the intersection of Schillingsburg Avenue and Tierra Sombra Court. This bus stop is 1.5 miles from the intersection of Country View Drive and McKean Road. Representatives from MHUSD have stated at the public hearings that an additional bus stop can be added to serve students in the area proposed if there is a demonstrated need.
Petitioners stated that there is significant road closures and maintenance on Bailey Avenue that deters them from travelling to Morgan Hill. The City of San Jose Public Works Department information on construction projects on city streets list the following work on Bailey Avenue. Information from the City of San Jose does not indicate the length of time of the project unless noted in Table 3 below. The information also does not include whether or not the road was closed to traffic. Bailey Road was closed for several days in late February 2017 due to flooding of Coyote Creek. Lastly, Bailey Avenue is an on-ramp/off-ramp for Highway 101.

**Table 3. Road/Utility Work Bailey Avenue**

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<td>Monterey Rd and Bailey Rd</td>
<td>January 2017</td>
<td>Utility - Electric/Gas</td>
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<tr>
<td>Bailey Rd. Santa Teresa Blvd.</td>
<td>March 2017</td>
<td>Utility – 1 day</td>
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<tr>
<td>1990 Bailey Rd.</td>
<td>October 2017</td>
<td>Utility - Electric/Gas</td>
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**Conclusion:**
The study team finds that the area proposed for transfer demonstrates no community identity issues that are unique from other areas of San Jose that are within MHUSD yet close to other districts. There are no demonstrated issues of geographic isolation or unreasonable distances to school centers nor are there currently any school students who attend MHUSD schools that would be affected. There is validity to the claim that residents see themselves more a part of the SJUSD than MHUSD on the basis of shared community, and social ties but no demonstrated school ties. However, this is commonplace throughout the county and state in areas where district boundaries are indistinct, and represents no unique issue of community identity.

For these reasons the study team recommends that Criterion 2 is not 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 in the territory proposed for transfer – therefore, no such property will be divided. 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.

According to district records there are currently no public school students from the area proposed for transfer so there would be no immediate impact on the racial/ethnic balance of either MHUSD or SJUSD. The number of potential students that could reside in the area proposed for transfer now, or in the future, would not be large enough to affect either district’s ability to educate students in an integrated environment.

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.”

Based on district records, there are currently no public school students in the area proposed for transfer. The potential number of students who could reside within the area proposed for transfer would not increase the number of students to the point where there would be a significant increase in costs to the state.

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.

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.

Because there currently are no public school students in the area and 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.

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. Although there are no regulations governing this criterion, the School District Organization Handbook (officially approved by the State Board of Education) states the following: “If the petitioner’s rationale for the transfer appears questionable or not compelling, the county committee should at least consider whether increased property values might be the primary reason for the petition.”

The petitioners state in their original petition that travel distance to MHUSD schools and convenience is the reason for the request. Additionally, petitioners made statements at the public hearings that they feel a sense of community identity with the Almaden Valley community in SJUSD and the lack of school transportation as additional reasons for the transfer. These issues have been addressed in the Community Identity (Criterion 2) section of this report and the recommendation has been made that Criterion 2 has not been met.

Additional evidence to support this analysis is that the representative/agent of the owner of 13 of the 33 properties initiated and circulated the petition for the boundary change. These 13 properties are currently for sale for $10 million as development land or $688,000 if sold as individual lots.

(source: http://www.adamcwu.com/property/calero-lake-estates/, March 1, 2018.) The advertisement, shown as Figure 6, states that these parcels are an opportunity to build luxury estates.
In conclusion, the study team does not find the petitioners’ rationale for the transfer to be compelling since this analysis finds that the petition does not meet the Community Identity criterion; there are currently no children in the area attending MHUSD; and 13 of the 33 parcels are on the market and the agent for the owner of those parcels initiated the petition for transfer, collected the needed signatures, and spoke in favor for the transfer at both public hearings.

The study team recommends that Criterion 8 is not 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**

Based on district records, there are currently no public school students in the area proposed for transfer. The potential number of students who could reside within the area proposed for transfer would not significantly impact ADA for either MHUSD or SJUSD.

**Basic Aid Status**

Neither MHUSD nor SJUSD is a basic aid (community funded) school district.

**Parcel Tax**

Neither MHUSD nor SJUSD currently has a parcel tax.

If there was a parcel tax and the transfer of territory was approved, residents of the area proposed for transfer would drop any liability for the parcel tax and assume the responsibility of the parcel tax of the district they are transferred into.

Representatives from MHUSD stated at the public hearing on January 8, 2018 that the District is currently in the process of an information campaign for a parcel tax of $75 per parcel.

**Assessed Valuation**

The territory proposed for transfer has an assessed valuation of approximately $34.5 million; this represents .26% of the overall assessed valuation of MHUSD.

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 G 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 two of the nine criteria have not been met. If the Count Committee agrees with the findings of this report, the transfer request shall not be approved. 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
PETITION TO TRANSFER TERRITORY
NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

Pursuant to California Education Code section 35700 (a), we the undersigned registered and qualified electors in the territory of the Morgan Hill School District(s) petition for the transfer of territory from the Morgan Hill School District(s) with the corresponding area of the Morgan Hill High School District(s) to San Jose Unified School District(s) and the corresponding area of the San Jose Unified High School District(s).

The transfer of territory is being sought for the following reasons:

The schools in San Jose are closer than Morgan Hill and more convenient. Any parent working in San Jose or Silicon Valley can drop and pick up their children on the way to and from work (or home). This will mean not adding to the traffic on I-280 going to and from Morgan Hill.

Chief petitioner is: W. STANLEY GAMBLE APN 708-47-21, 23, 26, 27, 28, 29 AGENT FOR ROBERT CHEN 38, 39, 36, 37, 39, 40

Date Print Your Name: Residence Address ONLY: Official Use Only
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November 21, 2017

Karen Stapf Walters, Executive Director  
Executive Director, California State Board of Education  
California State Board of Education  
1430 N Street, Suite #5111  
Sacramento, CA 95814

Dear Ms. Stapf Walters,

The Santa Clara County Office of Education has validated a request to transfer 33 parcels from the Morgan Hill Unified School District to the San Jose Unified School District. A copy of the request, verification of signatures, 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,

[Signature]

Dr. Mary Ann Dewan,  
Interim County Superintendent of Schools

MAD/sec  
enclosure
November 8, 2017

Suzanne Carrig
Director, Policy Development & Administrative Programs
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131-2304

RE: Petition for the Transfer of Territory

Dear Director Carrig:

The Santa Clara County Registrar of Voters Office received your request for signature verification of a petition, submitted on October 24, 2017, relating to the transfer of territory from the Morgan Hill Unified School(s) with the corresponding area of the Morgan Hill High School District(s) to San Jose Unified School District(s) and the corresponding area of the San Jose Unified High School District(s). Please see the results of the signature verification attached.

We verified 100 percent of the signatures submitted. Of the 29 signatures submitted and verified, 7 were found to be valid signatures.

Our Fiscal Division is in the process of finalizing the invoice for the services you have requested, and the invoice should be sent to your office shortly.

If you have any questions, please contact our office at (408) 299-VOTE (8683).

Best Regards,

Michael Lopez
Voter Registration - Election Division Coordinator
County of Santa Clara | Office of the Registrar of Voters
408.282.3051 (direct) | 408.998.7314 (fax)
michael.lopez@rov.sccgov.org
NOTICE OF PUBLIC HEARING

ON:

A PROPOSED TRANSFER OF TERRITORY
FROM
MORGAN HILL UNIFIED SCHOOL DISTRICT
TO
SAN JOSE UNIFIED SCHOOL DISTRICT

The Santa Clara County Committee on School District Organization will conduct a public hearing to obtain public response to a request to transfer 33 parcels from the Morgan Hill Unified School District to the San Jose Unified School District. The parcels are located on Country View Lane, Country View Drive, and Country View Court in San Jose.

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

Monday, January 8  4:00 p.m.
Morgan Hill Unified School District
Board Room
15600 Concord Circle
Morgan Hill  95037

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

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

Monday, February 5  4:00 p.m.
San Jose Unified School District
Board Room
855 Lenzen Ave.
San Jose 95126

For more information regarding the process and public hearings, contact Suzanne Carrig at (408) 453-6869.
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 public hearings to obtain public response to a request to transfer 33 parcels from the Morgan Hill Unified School District to the San Jose Unified School District.

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

Monday, January 8, 2018  4:00 p.m.
Morgan Hill Unified School District – Board Room
15600 Concord Circle
Morgan Hill

For more information regarding the above issues, contact Suzanne Carrig at (408) 453-6869.
DESCRIPTION OF PETITION
TO TRANSFER TERRITORY FROM
MORGAN HILL UNIFIED 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 local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03, per pupil, for each affected district and the effect of the petition, if approved, on that allocation.
3. Whether the school 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 33 parcels from the Morgan Hill Unified School District to the 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:

Robert J. Stinson
22552 Country View Drive
San Jose 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 local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03, per pupil, for each affected district and the effect of the petition, if approved, on that allocation.

The territory proposed for transfer consists of 33 parcels and there are currently no public school students in the area according to the latest information received by the Santa Clara County Office of Education. Because there are no current students residing in the area proposed for transfer, there will be no immediate impact on the LCFF allocation if the request is granted.

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.

The area proposed for transfer is inhabited. 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).
Committee member Christina Ramos opened the CEQA hearing at 4:04 p.m. Staff made a brief introduction. There were no comments related to CEQA made. The CEQA hearing was closed at 4:06 p.m.

The regular public hearing was opened at 4:06 p.m. Suzanne Carrig, staff to the Committee, briefly reviewed the reorganization request.

Robert Stinson, Chief Petitioner:
Mr. Stinson made the following comments:
- Resides at 22552 Country View Drive. Probably one of the longer residents of the area – 14 years.
- At the time I moved in, had a school aged child who attended private school.
- History of the subdivision – isolation makes us feel a part of a different community from Morgan Hill. The nature of Bailey Road and the history of construction plus its connection to Highway 101 makes us feel more a part of Almaden Valley and not wanting to head toward Morgan Hill.
- We are a part of the community of Almaden Valley. ZIP code is 95120, have been a member in two churches in that ZIP code. Community activities and church are in Almaden Valley.
• Observed over 14 years that Bailey Avenue has a number of problems with repairs lasting 5 years and multiple closures. Accidents have closed the road for hours causing the commute out of Almaden Valley to be 30 minutes. It is a deterrent for us to be connected to Morgan Hill.

• Gavilan College satellite campus has caused more traffic on Bailey.

• Authorization of a funeral facility to be built on Bailey Avenue with no modifications to the road or additional expansion and no additional safety measures.

• Lots of reasons for why the subdivision has not grown at the rate we thought it might be, those will be represented by Stan Gamble.

Member Jim Van Pernis asked Mr. Stinson where Bailey Road was on the map. Mr. Stinson explained to the Committee where Bailey Road was on the map.

Mr. Stinson made some additional comments:
• Bailey Road is actually a freeway entrance and was completed about five or six years ago; completed after I moved into Country View Drive. It wasn’t, originally, a method to connect to Highway 101 but now it’s become a thoroughfare for people who want to avoid traffic
• Bailey Road is are only connection between McKean Road and Morgan Hill schools.

Member Barry Schimmel asked Mr. Stinson, in his opinion, why would both school districts oppose the request.

Mr. Stinson stated that he didn’t believe San Jose Unified would be opposed. He stated that they currently provide bussing on McKean Road and currently have a bus stop 100 yards from where Country View meets McKean Road and they use the county park lake lot to turn around. Mr. Stinson referenced a home in the area that was partially in San Jose Unified and stated that he had land in San Jose Unified but not where the house was located.

Member, Schimmel stated that the letter from San Jose Unified Superintendent did not indicate that.

Member Schimmel asked if there are students attending San Jose Unified on interdistrict transfers. Mr. Stinson stated that the previous owners of his house received an interdistrict transfer into San Jose Unified. Discussion around interdistrict transfer and the need to renew each year.

Member Denise Ramón Herrera asked about Mr. Stinson’s parcel if it were two separate APNs. Mr. Stinson stated that it was one parcel split. He went on to state that the original transfer request from 2003 was denied because it was only one parcel. Member Ramón Herrera asked if there were any other split parcels in the area. Mr. Stinson stated no.
Member Bob Benevento asked that when Mr. Stinson acquired the property he had a school-aged child, Mr. Stinson stated yes. Member Benevento also asked if Mr. Stinson knew the property was within the Morgan Hill Unified School District when he purchased the home. Mr. Stinson said he did know and that at the time of purchased there was still a venue in which the original territory transfer request could be heard.

Member Van Pernis asked Mr. Stinson about the parcel that was in the transfer area but didn’t have an address. Mr. Stinson stated that could be a parcel for a private street/driveway. Member Van Pernis asked if all parcel were in San Jose and Mr. Stinson stated they were all with ZIP code 95120.

Kirsten Perez, Assistant Superintendent, Business Services, Morgan Hill Unified School District

Ms. Perez read from a letter that was transmitted to the County Committee.

See attached letter

Member Christina Ramos asked about the current bus stops.

Ms. Perez stated there is a current bus route that runs along McKean with the closest bus stop at the intersection of McKean and Wild Oak Ranch which is approximately 4 miles from the area.

Member Christina Ramos asked how many kids would it take to have a bus stop in the area proposed for transfer.

Ms. Perez stated that because the district already has an existing bus route on McKean they would just extend the bus route stating that if there were 2 or 3 more students who wanted to ride the bus then the district would look at adding a bus route further north. We currently do not have any students in that area so that’s why we don’t have a route up there. Usually takes 2 to 3 students to add a new route but we have done it with just one students upon a family’s request.

Member Van Pernis asked for confirmation on the distance of the closest bus route. Ms. Perez stated 4 miles south of Bailey Road adding that the reason they district hasn’t added a stop further north is because the district has not had any students in that area and would only add a route if they generated enrollment for the area.

Member Ramón Herrera asked if the district charges for transportation.
Ms. Perez states that it depends. For those students that qualify for the National School Lunch Program for free or reduced lunch they maintain that status for transportation, depending upon their status free – no charge for transportation or reduced – the transportation costs would be reduced with different option and there is a multiple sibling savings.
Member Ramón Herrera asked how many students are in Morgan Hill Unified and how many receive transportation. Ms. Perez stated that there are approximately 8,600 students and about 1,000 use transportation services.

Christina Ramos asked what the nearest high school would be. Ms. Perez stated Sobrato High School which is located in San Jose and is approximately 7 miles from the area proposed for transfer.

Member Van Pernis asked the size of the parcels in the area proposed from transfer. The district responded that most are 8-10 acres with some being larger.

Member Benevento asked how many bus routes the district has and if they go to low-populated areas. Ms. Perez stated that the district has approximately 40-45 bus routes and many of them go into unincorporated areas. Superintendent Steve Betando stated that the bus routes change every year and are based on number of students and the requests made.

Member Albert Gonzalez asked about Morgan Hill’s bond rate. Superintendent Betando stated that the district has a AA+. Two bonds one about $59/$100,000 AV and the other about $80/$100,000 AV.

Ms. Perez stated that the District is currently in process of information campaign for a parcel tax; looking at $75/parcel and we have approximately 20,000 parcels.

Registered Speakers:

**Manish Bhardwaj, Country View Drive Resident**

Mr. Bhardwaj made the following comments:

- Has been a resident on Country View Drive for 3.5 years. Has two daughters who attend private school; could not get into Almaden Valley schools.
- Work location prevents attendance to Morgan Hill schools, it’s a 35 minute drive and a bus ride would probably take 1.5 hours.
- Couldn’t care less about property values.
- Kids play soccer in Almaden Valley
- Feels isolated
- Wants kids in the area to have a normal life
- The request isn’t about property values but about family.
- Bailey Road has flooded in the past and closed for about 1 week
- It’s inconvenient to drive 45 minutes to schools and then back north to work.
Stan Gamble, Agent for owner of 13 lots

Mr. Gamble made the following statements:

- Need to get the facts right – Country View Drive to Cochran Road is at least 15 miles – Coyote Creek Golf Course is almost 10 miles.
- After school activities should be considered and the time it takes to travel for those activities.
- San Jose Unified information was just received today and the superintendent contradicts herself in the letter: states that Los Paseos Elementary is 7.2 miles but it’s much further than that.
- San Jose schools are closer and more convenient.
- Agrees with Mr. Stinson and Mr. Bhardwaj that the kids feel more at home in Almaden Valley.
- San Jose Unified already offers bus service that goes down McKean Road and it’s more convenient.

Member Barry Schimmel asked what the closest elementary school was in San Jose Unified. Graystone is the closest.

The public hearing ended at 4:42 p.m.
Committee Chair Mandy Lowell opened the public hearing at 4:00 p.m. Suzanne Carrig, staff to the Committee, briefly reviewed the reorganization request.

Robert Stinson, Chief Petitioner:
Mr. Stinson made the following comments:
- Resides at 22552 Country View Drive. Have resided there for about 13 years.
- Had a school aged child when we moved in.
- Knew that the previous owners had a petition to change the boundaries after a long appeals process it was denied. Previous owners provided the guideline and information for what the board would consider for a transfer.
- Met with people who are part of the homeowners association. Have 100% support from the residents within the area proposed for transfer. Not everyone who lives in the subdivision is a registered voter.
- Reasons for the transfer: we are geographically isolated bound by ridge of mountains that has one connecting street – Bailey Avenue. Bailey Avenue, when I moved into the area did not connect to 101 and had a failed shoulder that remain unrepaired in excess of five years. People did not want to use Bailey Avenue due to safety issues.
- Son went to Valley Christian and we opted not to use Bailey Avenue. We went through Almaden Valley and picked up other kids. That’s where our community base is. We live in San Jose in 95120, we don’t live in Morgan Hill.
- Our schools, our sports fields, all of the things we’re connected to are in San Jose.
- Property values – could be a potential benefit but the reasons that might happen is because people value schools and where they want to go to school and if you’re in a better school then you’re in a better place that your property values might go up.
- Even though that might be the reason it’s not the reason why 33 lots want to change; they want to be a part of the community.
- I’ve looked at the nine criteria and we meet all of those conditions and all of the conditions of hardship.

Kirsten Perez, Assistant Superintendent, Business Services, Morgan Hill Unified
- Board passed resolution in opposition
- Referenced letter from first hearing (see attached)
- Lived in south county my entire life and have never seen Bailey Avenue to be shut down, our buses travel down it on a daily basis.
- There is a bus stop that is located approximately 5 miles from this development and would be available to homeowners should their kids attend Morgan Hill.
- Twenty-six of the properties in the area proposed for transfer are currently vacant and no students attend school within Morgan Hill Unified.
- If students from the area did attend Morgan Hill we would look at putting a bus stop that’s closer to those existing homes.
- If there were students there they would attend Los Paseos Elementary School, Martin Murphy Middle School, and Sobrato High School.
• A problem of most of our south county districts is looking at geographical boundaries sometimes don’t make sense what that path of travel with our morning commute is but we have to be respectful to the reason why boundaries were established and if it’s purely out of convenience I don’t think that’s why we should look at wholesale property transfers.

• Interdistrict transfers, it’s something that we do, is something the petitioners should look into.

Steve Betando, Superintendent, Morgan Hill Unified
• Travel McKean and Bailey every day. Took the opportunity to go up Country View on each street, looked at homes and parcels then drove to our schools to get a sense.
• Petitioners talked about needing to go to 101 for all schools – don’t need to go to 101 for Sobrato. Same with Murphy Middle and it took 9 minutes, it’s a little over 6 miles. Sobrato is a little under 10 miles. It’s a reverse commute in the morning and a reverse commute in the morning so the traffic is lighter than if you’re going to Almaden.
• Comments about the schools in San Jose; Sobrato is half in San Jose and half in Morgan Hill. Murphy Middle is in San Jose by Bernal Road by Santa Teresa Golf Course.
• We’re 300 square miles so there’s lots of rural territories that are included. That’s one of the reasons we have so many bus routes; wherever there are students who need to be transported.
• Los Paseos is right next to Murphy Middle so students take the same bus.
• Concern that the petitioners don’t really know our schools; they haven’t been to our schools, would like you to take that into consideration and get to know our district a bit more.

Committee Chair Mandy Lowell asked for clarification about the number of students in the area proposed for transfer. Superintendent Betando stated that the district doesn’t have any students from those parcels.

Member Ellen Wheeler asked about interdistrict transfer agreements and how easy or difficult they are to obtain. Superintendent Betando stated the Morgan Hill Unified School District supports request to be released from the district.

Steve McMahon, Deputy Superintendent, San Jose Unified and Nancy Albarrán, Superintendent, San Jose Unified
Mr. McMahon made the following statements:
• Agree with Morgan Hill that there is not a need to transfer the properties at this time.
• San Jose is one of the most confusing areas when it comes to school district boundaries and city boundaries. We have 31 school districts in Santa Clara County and there are 19 school districts within the City of San Jose. People live in San Jose but go to Campbell Union, Morgan Hill. We have an interesting collection of districts. We as a school district feel it may behoove us to take a hard look at redrawing boundaries as part of a master plan.
• What we are concerned with is when there are small slivers of property changed and it can be in an unsustainable way.
• We looked at the impact on students and at this time found there are no students there so there doesn’t seem to be any need to look at a boundary change. Would rather do a boundary change on a more comprehensive level.

*Member Ellen Wheeler asked about the interdistrict process for San Jose Unified.*

• Steve McMahon stated that the process itself is pretty easy and it does need to be done on an annual basis. In Almaden Valley there is a high demand within the neighborhood communities so an out-of-district student would be lower on the list than a neighborhood student within San Jose Unified. Getting into Leland High School is not easy because Leland has a saturation of neighborhood families wanting to go. It wouldn’t be easy for these parcels. In other schools in the district it’s an easier process; our downtown schools do not have the same level of neighborhood demand so getting into one of those schools is easier.

• We are a district of choice so we try to honor families within our boundaries first.

• Process itself is easy but the likelihood of getting into an Almaden Valley school is not as high as many of our downtown schools would be.

• There are other ways to address family need; can use your work address or child care address for purposes of enrollment.

• If there were student needs we would have a different approach but at this time it seems just like a property change.

*Member Bob Benevento asked what the nearest high school to Leland was in San Jose Unified.*

The district responded that Pioneer and Gunderson are the next closest. Gunderson is probably fastest drive time.

• Steve McMahon added that in the southern part of the district, San Jose Unified actually owns parcels further south than Leland – 70 acres – where we are not allowed to build anything due to San Jose no growth area.

*Member Nejleh Abed asked for a map that shows the schools; staff will prepare a map.*

*Member Barry Schimmel asked that the district share that although it’s no longer under court order desegregation it must always be aware of the fact that taking new area could have a detrimental impact to the balance of the school district.* Mr. McMahon stated that the district does have an internal process for maintaining to the greatest extent possible diverse schools – part of the voluntary integration plan.

**Stan Gamble, Agent for owner of 13 lots**

Mr. Gamble made the following comments:

• Almaden Valley schools are much closer, geographically and time.

• Leland High School is more than half the distance than Sobrato High School.

• San Jose provides buses for kids on McKean Road. They turn around at Calero Lake.

• San Jose Unified actually goes further south than the property.
• Morgan Hill does not provide bus service; not anywhere close.
• Schools in Morgan Hill are in the north of San Jose and you have to take Bailey Avenue to get there.
• So much more convenient for the kids to go to Almaden Schools.
• We all went to school, we all had friends at school and went to visit our friends. It’s so much more convenient to children who live here to visit their friends in Almaden.
• Also the issue of after school activities. As kids get older they get involved in activities, especially in high school.

Chair Mandy Lowell asked Mr. Gamble how long he has lived at the address. Mr. Gamble stated that he does not live in the area proposed for transfer, he represents the owner of 13 lots. Chair Mandy Lowell then asked how long the owner of the 13 lots has owned those properties. Mr. Gamble stated for 15 years and there are plans in for two homes.

Robert Stinson, Chief Petitioner:
Mr. Stinson made the following comments:
• There are six families with school aged children, some of the kids are in private school and others are using a San Jose address such as a caregiver’s address or something else.
• We have all considered interdistrict transfers but Leland is not available. This is one of the issues that is driving this request.
• Lots are empty because there are no schools close by the property.
• Bailey Avenue had interruption of traffic over 30 days last year. There were 2.5 weeks where it was shut down completely. There were 15 additional accidents that forced the street to be closed.
• Reverse commute – these people are at work. They have to deal with double the time and traffic.
• We are geographically isolated from Morgan Hill but not San Jose Unified.

Chair Mandy Lowell asked Mr. Stinson if he knew the property was not within San Jose Unified when he purchased the home. Mr. Stinson stated that he did know that and the previous owners provided all the territory transfer information to him. Chair also asked how many homes were in the area. There are 8 homes, 2 currently being completed, and 6 of those are occupied. Average home size is 5,500 to 6,000 square feet and some are 10,000 square feet.

Member Abed asked for the number of school aged kids. Mr. Stinson stated that four families have one child each and one family has 2 children.

The public hearing ended at 4:45 p.m.
January 8, 2018

Santa Clara County Committee on School District Organization
c/o Suzanne Carrig, Director Policy Development & Administrative Programs
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131-2304

Re: Petition for School District Boundary Change - 33 parcels from Morgan Hill Unified School District to San Jose Unified School District

Santa Clara County Committee on School District Organization Members:

The Santa Clara County Committee on School District Organization has received a formal petition ("Petition") seeking to transfer 33 parcels from Morgan Hill Unified School District to San Jose Unified School District. The Morgan Hill Unified School District ("District") adamantly opposes the Petition for the reasons identified below.

According to the Santa Clara County Registrar of Voters Office’s letter dated November 8, 2017, it has verified all of the signatures submitted with the Petition; however, of the 29 signatures submitted only seven were found to be valid signatures. As there are only 22 registered voters in the proposed transfer territory, the seven validated signatures represent 32% of the registered voters. Since 25 of the 33 of the parcels included in the Petition are not currently developed, the boundary change lacks any representation for future families who move into the community as parcels are developed (specifically undeveloped parcels on Country View Drive). Moreover, since many of the parcels included in the territory transfer are vacant and would likely be developed in the near future, it appears that the boundary change has been requested in order to increase property values prior to development.

The approval of the transfer would set a precedence for future transfers of territory out of the District. First, these petitioners are not unique since 22.34% of the District is located in the unincorporated area of Santa Clara County and 34.63% of the District’s assessed valuation is located outside of the City of Morgan Hill.
The District’s boundaries are comprised of several cities, old and new neighborhoods, and varied ethnic and economic populations. Alignment strictly along a particular city or street boundary, may support one sense of community, but District staff contends that existing boundaries, however unusual or unorthodox, have respected and helped strengthen the many diverse communities served.

School boundaries were established at a time when orchards, creeks, and old roads were used as guides and these boundaries may no longer be consistent with the way the County has developed. District staff also suggests that any realignments with boundaries would also be outdated as the County continues to develop and evolve. For example, if the Coyote Valley was a master planned community as contemplated in the mid-2000’s, then the District would construct additional schools in this area. This would directly affect these parcels and their proximity to the nearest District school.

Current boundaries have allowed individuals the freedom to make decisions on where they want to live, the level of service of their city, the size and cost of housing, and the proximity to schools, shops, and transportation. These choices are always made freely, but almost always with compromises and the purpose of this Committee’s authority over petitions is not to eliminate compromises. Boundary changes made purely for convenience of commuters’ preferred work route would set a precedence for many more boundary changes especially for school districts in south Santa Clara County where the majority of residents commute north for work.

The District faces issues of creating and maintaining communities in a diverse and geographically large district (approximately 300 square miles comprising nearly ¼ of the land in Santa Clara County). Although the large geographic size of the District brings with it critical issues such as transportation, the District has prioritized valuable resources toward transportation to ensure location and ability to get to school is not a barrier for enrollment in the District.

According to staff records, there are no students registered in the District residing at these parcels. It appears that the property transfer has been requested only to increase property values and create a financial advantage for property owners. If the issue for these residents is that the route to the closest District school is not aligned to their commute route, as the Petitioner contends, then families could utilize the District’s transportation service which currently has a bus stop located at McKean Rd @ Wild Oak Ranch; however, the District could add a bus stop
further North as determined by student enrollment (to date no students are enrolled from these parcels).

Lastly, the transfer has an increased financial impact on the remaining District residents to pay the current and prior general obligation bonds and potential future parcel tax.

In conclusion, while District staff acknowledges and understands the basis for this Petition is convenience for resident commuters, staff strongly opposes a boundary change as a solution to accomplish individual needs. The District is concerned with the motives for the Petition which appear to be for financial gain since no current students would be impacted by the proposed territory transfer. Interdistrict transfers are a far more appropriate solution for situations involving a small number of students who may be impacted rather than a wholesale territory transfer.

Regards,

Kirsten Perez
Assistant Superintendent, Business Services

cc: Steve Betando, Superintendent, Morgan Hill Unified School District
    Anessa Espinosa, Director Facilities, Morgan Hill Unified School District

Attachments: Santa Clara County Assessor’s Information on Parcels
*-------------------- MetroScan / Santa Clara (CA) --------------------*
Owner: [redacted]
Site: 22101 Shillingsburg Ave San Jose 95120
Mail: 22101 Shillingsburg Ave San Jose Ca 95120
Use: 93 Agr,Pasture,Grazing And Range Land
Bedrm: Bath: TotRm: YB: Pool: BldgSF: Price:

*-------------------- MetroScan / Santa Clara (CA) --------------------*
Owner: [redacted]
Site: 22550 McKeon Rd San Jose 95120
Mail: 22550 McKeon Rd San Jose Ca 95120
Use: 93 Agr,Pasture,Grazing And Range Land
Bedrm: Bath: TotRm: YB: Pool: BldgSF: Price:

*-------------------- MetroScan / Santa Clara (CA) --------------------*
Owner: [redacted]
Site: 22700 McKeon Rd San Jose 95120
Mail: 22700 McKeon Rd San Jose Ca 95120
Use: 93 Agr,Pasture,Grazing And Range Land
Bedrm: Bath: TotRm: YB: Pool: BldgSF: Price:

*-------------------- MetroScan / Santa Clara (CA) --------------------*
Owner: [redacted]
Site: 22650 McKeon Rd San Jose 95120
Mail: 22650 McKeon Rd San Jose Ca 95120
Use: 93 Agr,Pasture,Grazing And Range Land
Bedrm: Bath: TotRm: YB: Pool: BldgSF: Price:

*-------------------- MetroScan / Santa Clara (CA) --------------------*
Owner: [redacted]
Site: 22590 Country View Dr San Jose 95120
Mail: 12125 Oak Park Ct Los Altos Hills Ca 94022
Use: 93 Agr,Pasture,Grazing And Range Land
Bedrm: Bath: TotRm: YB: Pool: BldgSF: Price:

*-------------------- MetroScan / Santa Clara (CA) --------------------*
Owner: [redacted]
Site: 22623 Country View Ln San Jose 95120
Mail: 1077 Cross Springs Ct San Jose Ca 95120
Use: 93 Vacant, Urban
Bedrm: Bath: TotRm: YB:19000ool:No BldgSF: Price:

*-------------------- MetroScan / Santa Clara (CA) --------------------*
Owner: [redacted]
Site: 22617 Country View Ln San Jose 95120
Mail: 5240 Monteverde Ln Lincoln Ca 95648
Use: 93 Vacant, Urban
Bedrm: Bath: TotRm: YB:19000ool:No BldgSF: Price:

*-------------------- MetroScan / Santa Clara (CA) --------------------*
Owner: [redacted]
Site: 22611 Country View Ln San Jose 95120
Mail: 22611 Country View Ln San Jose Ca 95120
Use: 93 Res, Single Family Residence
Bedrm: Bath:6.00 TotRm:13 YB:2015ool:No BldgSF:10,965 Price:

*-------------------- MetroScan / Santa Clara (CA) --------------------*
Owner: [redacted]
Site: 22605 Country View Ln San Jose 95120
Mail: 160 Tobin Clark Dr Hillsborough Ca 94010
Use: 93 Vacant, Urban
Bedrm: Bath: TotRm: YB: Pool: No BldgSF: Price:

Information compiled from various sources. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.
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<td>Site : 22610 Country View Dr San Jose 95120</td>
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<td>Bedrm:</td>
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Information compiled from various sources. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.
Owner: [Redacted]  
Site: 22641 Lago Vista Ct San Jose 95120  
Mail: 160 Tobin Clark Dr Hillsborough Ca 94010  
Use: 69 Vacant, Urban  
Bedrm: Bath: TotRm: YB:1900ool:No  
BldgSF: Phone:  
Parcel:708 47 032  
Xfered:08/15/2016  
Price: $2,567,000 Full  
Ac:10.16

Owner: [Redacted]  
Site: 22602 Lago Vista Ct San Jose 95120  
Mail: 3540 Margate Ave San Jose Ca 95117  
Use: 01 Res, Single Family Residence  
Bedrm:5 Bath:5.50 TotRm:11 YB:2015ool:No  
BldgSF:7,965 Phone:  
Parcel:708 47 033  
Xfered:07/18/2014  
Price:  
Ac:10.70

Owner: [Redacted]  
Site: 22596 Lago Vista Ct San Jose 95120  
Mail: 710 Lawrence Expwy Santa Clara Ca 95051  
Use: 01 Res, Single Family Residence  
Bedrm:5 Bath:6.50 TotRm:16 YB:2015ool:No  
BldgSF:11,905 Phone:  
Parcel:708 47 034  
Xfered:10/31/2011  
Price: $400,000 Full  
Ac:10.56

Owner: [Redacted]  
Site: 22593 Country View Dr San Jose 95120  
Mail: 22593 Country View Dr San Jose Ca 95120  
Use: 01 Res, Single Family Residence  
Bedrm:4 Bath:3.50 TotRm:11 YB:1993ool:Yes  
BldgSF:4,435 Phone:  
Parcel:708 47 035  
Xfered:07/31/2014  
Price: $2,400,000 Full  
Ac:8.00

Owner: [Redacted]  
Site: 22587 Country View Dr San Jose 95120  
Mail: 160 Tobin Clark Dr Hillsborough Ca 94010  
Use: 69 Vacant, Urban  
Bedrm: Bath: TotRm: YB:1900ool:No  
BldgSF: Phone:  
Parcel:708 47 036  
Xfered:08/15/2016  
Price: $2,567,000 Full  
Ac:11.86

Owner: [Redacted]  
Site: 22581 Country View Dr San Jose 95120  
Mail: 160 Tobin Clark Dr Hillsborough Ca 94010  
Use: 69 Vacant, Urban  
Bedrm: Bath: TotRm: YB:1900ool:No  
BldgSF: Phone:  
Parcel:708 47 037  
Xfered:08/15/2016  
Price: $2,567,000 Full  
Ac:13.53

Owner: [Redacted]  
Site: 22575 Country View Dr San Jose 95120  
Mail: 160 Tobin Clark Dr Hillsborough Ca 94010  
Use: 69 Vacant, Urban  
Bedrm: Bath: TotRm: YB:1900ool:No  
BldgSF: Phone:  
Parcel:708 47 038  
Xfered:08/15/2016  
Price: $2,567,000 Full  
Ac:10.11

Owner: [Redacted]  
Site: 22569 Country View Dr San Jose 95120  
Mail: 160 Tobin Clark Dr Hillsborough Ca 94010  
Use: 69 Vacant, Urban  
Bedrm: Bath: TotRm: YB:1900ool:No  
BldgSF: Phone:  
Parcel:708 47 039  
Xfered:08/15/2016  
Price: $2,567,000 Full  
Ac:9.74

Owner: [Redacted]  
Site: 22561 Country View Dr San Jose 95120  
Mail: 160 Tobin Clark Dr Hillsborough Ca 94010  
Use: 69 Vacant, Urban  
Bedrm: Bath: TotRm: YB:1900ool:No  
BldgSF: Phone:  
Parcel:708 47 040  
Xfered:08/15/2016  
Price: $2,567,000 Full  
Ac:10.63

Information compiled from various sources. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.
*-----------------------------* MetroScan / Santa Clara (CA) *-----------------------------*
Owner: 
Site: 22545 Country View Dr San Jose 95120
Mail: 3350 Lindmuir Dr San Jose Ca 95121
Use: 01 Res, Single Family Residence
Bedrm: 5 Bath: 5.00 TotRm: 9 YB: 2016ool: No BldgSF: 5,997 Ac: 9.19
Price: 
Phone: 

*-----------------------------* MetroScan / Santa Clara (CA) *-----------------------------*
Owner: 
Site: 22552 Country View Dr San Jose 95120
Mail: 22552 Country View Dr San Jose Ca 95120
Use: 01 Res, Single Family Residence
Bedrm: 5 Bath: 4.50 TotRm: 11 YB: 2001ool: Yes BldgSF: 5,165 Ac: 10.68
Price: 
Phone: 

*-----------------------------* MetroScan / Santa Clara (CA) *-----------------------------*
Owner: 
Site: 22558 Country View Dr San Jose 95120
Mail: 22558 Country View Dr San Jose Ca 95120
Use: 01 Res, Single Family Residence
Bedrm: 5 Bath: 5.50 TotRm: 13 YB: 1994ool: No BldgSF: 8,742 Ac: 8.87
Price: $3,143,000 Full
Phone: 

*-----------------------------* MetroScan / Santa Clara (CA) *-----------------------------*
Owner: 
Site: 22564 Country View Dr San Jose 95120
Mail: 2059 Camden Ave #138 ( No Mail ) San Jose Ca 95124 Price: $559,000 Full
Use: 69 Vacant, Urban
Bedrm: Bath: TotRm: YB: 1900ool: No BldgSF: Ac: 10.23
Phone: 

*-----------------------------* MetroScan / Santa Clara (CA) *-----------------------------*
Owner: 
Site: 22649 Country View Ct San Jose 95120
Mail: 648 Valley Oak Ter San Jose Ca 95112
Use: 69 Vacant, Urban
Bedrm: Bath: TotRm: YB: Pool: BldgSF: Ac: 8.69
Price: $162,000 Full
Phone: 

Information compiled from various sources. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.
January 8, 2018

Delivery: Suzanne_Carrig@scoe.org

Santa Clara County Committee on School District Organization
c/o Suzanne Carrig, Director Policy Development & Administrative Programs
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131-2304

Re: Petition for School District Boundary Change - 33 parcels from Morgan Hill Unified School District to San Jose Unified School District

Santa Clara County Committee on School District Organization Members:

The Santa Clara County Committee on School District Organization has received a formal petition ("Petition") seeking to transfer 33 parcels from Morgan Hill Unified School District to San Jose Unified School District. The Morgan Hill Unified School District ("District") adamantly opposes the Petition for the reasons identified below.

According to the Santa Clara County Registrar of Voters Office’s letter dated November 8, 2017, it has verified all of the signatures submitted with the Petition; however, of the 29 signatures submitted only seven were found to be valid signatures. As there are only 22 registered voters in the proposed transfer territory, the seven validated signatures represent 32% of the registered voters. Since 25 of the 33 of the parcels included in the Petition are not currently developed, the boundary change lacks any representation for future families who move into the community as parcels are developed (specifically undeveloped parcels on Country View Drive). Moreover, since many of the parcels included in the territory transfer are vacant and would likely be developed in the near future, it appears that the boundary change has been requested in order to increase property values prior to development.

The approval of the transfer would set a precedence for future transfers of territory out of the District. First, these petitioners are not unique since 22.34% of the District is located in the unincorporated area of Santa Clara County and 34.63% of the District’s assessed valuation is located outside of the City of Morgan Hill.
The District’s boundaries are comprised of several cities, old and new neighborhoods, and varied ethnic and economic populations. Alignment strictly along a particular city or street boundary, may support one sense of community, but District staff contends that existing boundaries, however unusual or unorthodox, have respected and helped strengthen the many diverse communities served.

School boundaries were established at a time when orchards, creeks, and old roads were used as guides and these boundaries may no longer be consistent with the way the County has developed. District staff also suggests that any realignments with boundaries would also be outdated as the County continues to develop and evolve. For example, if the Coyote Valley was a master planned community as contemplated in the mid-2000’s, then the District would construct additional schools in this area. This would directly affect these parcels and their proximity to the nearest District school.

Current boundaries have allowed individuals the freedom to make decisions on where they want to live, the level of service of their city, the size and cost of housing, and the proximity to schools, shops, and transportation. These choices are always made freely, but almost always with compromises and the purpose of this Committee's authority over petitions is not to eliminate compromises. Boundary changes made purely for convenience of commuters’ preferred work route would set a precedence for many more boundary changes especially for school districts in south Santa Clara County where the majority of residents commute north for work.

The District faces issues of creating and maintaining communities in a diverse and geographically large district (approximately 300 square miles comprising nearly ¼ of the land in Santa Clara County). Although the large geographic size of the District brings with it critical issues such as transportation, the District has prioritized valuable resources toward transportation to ensure location and ability to get to school is not a barrier for enrollment in the District.

According to staff records, there are no students registered in the District residing at these parcels. It appears that the property transfer has been requested only to increase property values and create a financial advantage for property owners. If the issue for these residents is that the route to the closest District school is not aligned to their commute route, as the Petitioner contends, then families could utilize the District’s transportation service which currently has a bus stop located at McKean Rd @ Wild Oak Ranch; however, the District could add a bus stop
further North as determined by student enrollment (to date no students are enrolled from these parcels).

Lastly, the transfer has an increased financial impact on the remaining District residents to pay the current and prior general obligation bonds and potential future parcel tax.

In conclusion, while District staff acknowledges and understands the basis for this Petition is convenience for resident commuters, staff strongly opposes a boundary change as a solution accomplish individual needs. The District is concerned with the motives for the Petition which appear to be for financial gain since no current students would be impacted by the proposed territory transfer. Interdistrict transfers are a far more appropriate solution for situations involving a small number of students who may be impacted rather than a wholesale territory transfer.

Regards,

Kirsten Perez
Assistant Superintendent, Business Services

cc:    Steve Betando, Superintendent, Morgan Hill Unified School District
       Anessa Espinosa, Director Facilities, Morgan Hill Unified School District

Attachments:  Santa Clara County Assessor’s Information on Parcels
* -----------------------------: MetroScan / Santa Clara (CA) : ----------------------------- *
Owner: [Redacted]  
Site: 22101 Shillingsburg Ave San Jose 95120  
Mail: 22101 Shillingsburg Ave San Jose CA 95120  
Use: 93 Agr, Pasture, Grazing And Range Land  
Bedrm: Bath:  
TotRm:  
YB:  
Pool:  
BldgSF:  
Price:  
Phone:  
Parcel: 708 34 001  
Xfered: 04/23/2014

* -----------------------------: MetroScan / Santa Clara (CA) : ----------------------------- *
Owner: [Redacted]  
Site: 22550 McKean Rd San Jose 95120  
Mail: 22550 McKean Rd San Jose CA 95120  
Use: 93 Agr, Pasture, Grazing And Range Land  
Bedrm: Bath:  
TotRm:  
YB:  
Pool:  
BldgSF:  
Price:  
Phone:  
Parcel: 708 47 003  
Xfered: 05/29/2003

* -----------------------------: MetroScan / Santa Clara (CA) : ----------------------------- *
Owner: [Redacted]  
Site: 22700 McKean Rd San Jose 95120  
Mail: 22700 McKean Rd San Jose CA 95120  
Use: 93 Agr, Pasture, Grazing And Range Land  
Bedrm: Bath:  
TotRm:  
YB:  
Pool:  
BldgSF:  
Price:  
Phone:  
Parcel: 708 47 008  
Xfered: 02/23/2016

* -----------------------------: MetroScan / Santa Clara (CA) : ----------------------------- *
Owner: [Redacted]  
Site: 22650 McKean Rd San Jose 95120  
Mail: 22650 McKean Rd San Jose CA 95120  
Use: 93 Agr, Pasture, Grazing And Range Land  
Bedrm: Bath:  
TotRm:  
YB:  
Pool:  
BldgSF:  
Price:  
Phone:  
 Parcel: 708 47 016  
Xfered: 12/22/2015

* -----------------------------: MetroScan / Santa Clara (CA) : ----------------------------- *
Owner: [Redacted]  
Site: 22590 Country View Dr San Jose 95120  
Mail: 12125 Oak Park Ct Los Altos Hills CA 94022  
Use: 93 Agr, Pasture, Grazing And Range Land  
Bedrm: Bath:  
TotRm:  
YB:  
Pool:  
BldgSF:  
Price:  
Phone:  
 Parcel: 708 47 017  
Xfered: 06/08/2017

* -----------------------------: MetroScan / Santa Clara (CA) : ----------------------------- *
Owner: [Redacted]  
Site: 22623 Country View Ln San Jose 95120  
Mail: 1077 Cross Springs Ct San Jose CA 95120  
Use: 69 Vacant, Urban  
Bedrm: Bath:  
TotRm: YB: 1900000: No  
BldgSF:  
Price:  
Phone:  
 Parcel: 708 47 018  
Xfered: 09/11/2007

* -----------------------------: MetroScan / Santa Clara (CA) : ----------------------------- *
Owner: [Redacted]  
Site: 22617 Country View Ln San Jose 95120  
Mail: 5240 Monte Verde Ln Lincoln CA 95648  
Use: 69 Vacant, Urban  
Bedrm: Bath:  
TotRm: YB: 1900000: No  
BldgSF:  
Price:  
Phone:  
 Parcel: 708 47 019  
Xfered: 11/14/2017

* -----------------------------: MetroScan / Santa Clara (CA) : ----------------------------- *
Owner: [Redacted]  
Site: 22610 Country View Ln San Jose 95120  
Mail: 22611 Country View Ln San Jose CA 95120  
Use: 01 Res, Single Family Residence  
Bedrm: 6 Bath: 6.00 TotRm: 13  
YB: 20150000: No  
BldgSF: 10,965  
Price:  
Phone:  
 Parcel: 708 47 020  
Xfered: 05/15/2015

* -----------------------------: MetroScan / Santa Clara (CA) : ----------------------------- *
Owner: [Redacted]  
Site: 22605 Country View Ln San Jose 95120  
Mail: 160 Tobi Clark Dr Hillsborough CA 94010  
Use: 69 Vacant, Urban  
Bedrm: Bath:  
TotRm:  
YB:  
Pool:  
BldgSF:  
Price:  
Phone:  
 Parcel: 708 47 021  
Xfered: 08/15/2016

Information compiled from various sources. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.
--- MetroScan / Santa Clara (CA) ---

Owner: 
Site: 22599 Country View Ln San Jose 95120
Mail: 22599 Country View Ln San Jose Ca 95120
Use: Res, Single Family Residence
Bedrm: Bath: TotRm: YB:1900ool:No BldgSF: Ac:9.18

--- MetroScan / Santa Clara (CA) ---

Owner: 
Site: 22610 Country View Dr San Jose 95120
Mail: 160 Tobin Clark Dr Hillsborough Ca 94010
Use: Vacant, Urban
Bedrm: Bath: TotRm: YB: Pool:No BldgSF: Ac:9.18

--- MetroScan / Santa Clara (CA) ---

Owner: 
Site: 22618 Country View Dr San Jose 95120
Mail: 1590 Oakland Rd #B209 San Jose Ca 95131
Use: Vacant, Urban
Bedrm: Bath: TotRm: YB:1900ool:No BldgSF: Ac:9.32

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Use: Vacant, Urban
Bedrm: Bath: TotRm: YB:1900ool:No BldgSF: Ac:9.64

--- MetroScan / Santa Clara (CA) ---

Owner: 
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Mail: 160 Tobin Clark Dr Hillsborough Ca 94010
Use: Vacant, Urban
Bedrm: Bath: TotRm: YB:1900ool:No BldgSF: Ac:11.04

--- MetroScan / Santa Clara (CA) ---

Owner: 
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Mail: 160 Tobin Clark Dr Hillsborough Ca 94010
Use: Vacant, Urban
Bedrm: Bath: TotRm: YB:1900ool:No BldgSF: Ac:10.83

--- MetroScan / Santa Clara (CA) ---

Owner: 
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Mail: 160 Tobin Clark Dr Hillsborough Ca 94010
Use: Vacant, Urban
Bedrm: Bath: TotRm: YB:1900ool:No BldgSF: Ac:12.31

--- MetroScan / Santa Clara (CA) ---

Owner: 
Site: 22629 Country View Dr San Jose 95120
Mail: 160 Tobin Clark Dr Hillsborough Ca 94010
Use: Vacant, Urban
Bedrm: Bath: TotRm: YB:1900ool:No BldgSF: Ac:11.02

--- MetroScan / Santa Clara (CA) ---

Owner: 
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Mail: 22635 Lago Vista Ct San Jose Ca 95120
Use: Vacant, Urban
Bedrm: Bath: TotRm: YB:1900ool:No BldgSF: Ac:10.25

Information compiled from various sources. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.
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<th>Bath</th>
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<th>Price</th>
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<td>160 Tobin Clark Dr Hillsborough Ca 94010</td>
<td>69 Vacant,Urban</td>
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<td>01 Res,Single Family Residence</td>
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<td>22593 Country View Dr San Jose Ca 95120</td>
<td>01 Res,Single Family Residence</td>
<td>4 Bath:3.50 TotRm:11 YB:1993ool:Yes</td>
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<td>Ac:8.00</td>
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Information compiled from various sources. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.
*-----------------------------: MetroScan / Santa Clara (CA) :-----------------------------*
Owner: [REDACTED]
Site: 22545 Country View Dr San Jose 95120
Mail: 3350 Lindmuir Dr San Jose Ca 95121
Use: 01 Res, Single Family Residence
Bedrm: 5 Bath: 5.00 TotRm: 9 YB: 2016ool: No BldgSF: 5,997 Ac: 9.19
Phone: [REDACTED]
Price: [REDACTED]
Xfered: 05/04/2015
*-----------------------------: MetroScan / Santa Clara (CA) :-----------------------------*
Owner: [REDACTED]
Site: 22552 Country View Dr San Jose 95120
Mail: 22552 Country View Dr San Jose Ca 95120
Use: 01 Res, Single Family Residence
Bedrm: 5 Bath: 4.50 TotRm: 11 YB: 2001ool: Yes BldgSF: 5,165 Ac: 10.68
Phone: [REDACTED]
Price: [REDACTED]
Xfered: 09/20/2007
*-----------------------------: MetroScan / Santa Clara (CA) :-----------------------------*
Owner: [REDACTED]
Site: 22558 Country View Dr San Jose 95120
Mail: 22558 Country View Dr San Jose Ca 95120
Use: 01 Res, Single Family Residence
Bedrm: 5 Bath: 5.50 TotRm: 13 YB: 1994ool: No BldgSF: 8,742 Ac: 8.87
Phone: [REDACTED]
Price: $3,143,000 Full
Xfered: 01/30/2017
*-----------------------------: MetroScan / Santa Clara (CA) :-----------------------------*
Owner: [REDACTED]
Site: 22564 Country View Dr San Jose 95120
Mail: 2059 Camden Ave #138 ( No Mail ) San Jose Ca 95124
Use: 69 Vacant, Urban
Bedrm: Bath: TotRm: YB: 1900ool: No BldgSF: Ac: 10.23
Phone: [REDACTED]
Price: $559,000 Full
Xfered: 04/11/2012
*-----------------------------: MetroScan / Santa Clara (CA) :-----------------------------*
Owner: [REDACTED]
Site: 22649 Country View Ct San Jose 95120
Mail: 649 Valley Oak Ter San Jose Ca 95112
Use: 69 Vacant, Urban
Bedrm: Bath: TotRm: YB: Pool: BldgSF: Ac: 8.69
Phone: [REDACTED]
Price: $162,000 Full
Xfered: 01/19/2012

Information compiled from various sources. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.
MORGAN HILL UNIFIED SCHOOL DISTRICT
MORGAN HILL, CALIFORNIA

RESOLUTION

RESOLUTION OF THE SCHOOL BOARD OF THE MORGAN HILL
UNIFIED SCHOOL DISTRICT IN OPPOSITION OF THE TRANSFER OF
TERRITORY FROM THE MORGAN HILL UNIFIED SCHOOL DISTRICT
TO THE SAN JOSE UNIFIED SCHOOL DISTRICT

WHEREAS, the Santa Clara County Committee on School District Organization has received a formal petition from the owners ("Petitioners") of thirty-three (33) parcels located in the Morgan Hill Unified School District requesting these parcels be transferred to San Jose Unified School District;

WHEREAS, California Education Code Section 35700 stipulates that an action to reorganize one or more districts is initiated upon the filing, with the County Superintendent of Schools, of a petition signed by the owners of the territory proposed to be reorganized, or by a majority of the members of the governing boards of each of the districts that would be affected by the proposed reorganization;

WHEREAS, the petition is under the jurisdiction of the Santa Clara County Superintendent of Schools who has found it to be sufficient and signed as required by law;

WHEREAS, California Education Code Section 35709 stipulates that the County Committees on School District Organization may grant the petition if the conditions enumerated in Education Code Section 35753 are substantially met and the petition is to transfer inhabited territory of less than 10 percent of the assessed valuation of the district from which the territory is being transferred and all of the governing boards have consented to the transfer;

WHEREAS, Morgan Hill Unified School District boundaries are approximately 300 square miles, or one quarter of Santa Clara County, and nearly twenty-three percent of the Morgan Hill Unified School District is located in the unincorporated area of Santa Clara County;

WHEREAS, due to its large geographic area the Morgan Hill Unified School District provides a robust transportation program to ensure access for students, especially those in rural areas, including a bus stop less than five minutes from the Petitioners and in the future a closer stop could be made available if students from these parcels attended Morgan Hill Unified School District;

WHEREAS, there are many more parcels within Morgan Hill Unified School District that are located a farther distance from schools compared to the Petitioners;

WHEREAS, if students from these parcels attended Morgan Hill schools it would be a "reverse commute" since San Jose schools are heavily impacted by commute traffic;
WHEREAS, if housing development in the area continues Morgan Hill Unified School District would consider the need for expanding the number of schools in the south San Jose area;

WHEREAS, territory transfers made purely for the convenience of commuters' preferred work route sets an appalling precedence for future transfers of territory out of the Morgan Hill Unified School District;
WHEREAS, the transfer does not meet the conditions of Education Code Section 35753;

WHEREAS, provisions for the exchange of property tax revenue are set forth in Taxation and Revenue Code Section 99(h) and provide that upon the aforementioned transfer becoming effective that the property tax revenues generated by the aforementioned territory shall be attributable to tax rate areas within the district(s) which receives the territory which results in an increased financial impact on the remaining Morgan Hill Unified School District residents to pay the current and prior general obligation bonds and potential future parcel tax;

WHEREAS, the majority of the property proposed to be transferred is not developed and the transfer is designed to result in a significant increase in property values causing a financial advantage to property owners;

WHEREAS, when only a small number of students are potentially impacted inter-district transfers are a more appropriate solution for this situation rather than a wholesale territory transfer;

WHEREAS, the Superintendents of the Morgan Hill Unified School District and San Jose Unified School District both oppose the territory transfer;

NOW, THEREFORE, BE IT RESOLVED that, by a vote of the majority of the members, the Governing Board of the Morgan Hill Unified School District declares that it is not in the best interest of our school district to allow this transfer of property.

PASSED AND ADOPTED by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a regular meeting held on January 23, 2018 by the following vote:

AYES: Arnett, Borgioli, Gerard, Murillo, Patterson, Ruebusch
NOES: None
ABSENT: Woolf
ABSTAIN: None

DATED: January 23, 2018

SIGNED: Thomas Arnett, President
Board of Education

I, Steve Betando, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at the regular meeting on January 23, 2018, which resolution is on file in the office of said Board.

DATED: January 23, 2018

SIGNED: Steve Betando, Secretary
Board of Education
TRANSFER OF TERRITORY FROM MHUSD TO SJUSD

January 8, 2018

Dear Santa Clara County Committee on School District Organization,

I am writing to share the current position of the San José Unified School District as you consider the request to transfer 33 parcels located on Country View Lane, Country View Drive, and Country View Court in San José from the Morgan Hill Unified School District to the San Jose Unified School District.

While the interest in San José Unified is appreciated and the district welcomes all students and their families, San José Unified does not support the transfer of these 33 parcels from Morgan Hill Unified to San José Unified at this time.

It is San José Unified’s understanding that there are no students attending public schools residing in these parcels. If there were, the current Morgan Hill Unified School District elementary school of attendance for the chief petitioner’s address is Los Paseos Elementary, a distance of 7.2 miles. San José Unified’s nearest elementary school to the chief petitioner’s address is Graystone Elementary, a distance of 5.2 miles.

Given the current absence of public school students and the potential change of only 2 miles in proximity of the elementary school of attendance if there were students being served, San José Unified does not believe that this transfer of parcels is appropriate at this time.

Thank you for considering San José Unified’s position on this matter. Thank you for all you do to represent and serve public schools throughout Santa Clara County as a member of the Santa Clara County Committee on School District Organization.

Sincerely,

Nancy Albarrán
Superintendent
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 closest 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

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

X County Clerk
County of Santa Clara County

Project Title: Transfer of Territory: Morgan Hill Unified 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: Santa Clara
Project Location – County: Santa Clara

Description of Project:
Proposal to transfer 33 parcels from MHUSD 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); 15268);
☐ 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 X No

Signature: ________________________ Date: _________ Title: Director, Policy Development & Administrative Programs

X Signed by Lead Agency

Date received for filing at OPR: __________________

☐ Signed by Applicant