FEASIBILITY STUDY
FOR A REQUEST TO TRANSFER TERRITORY
FROM
SUNNYVALE SCHOOL DISTRICT TO
CUPERTINO UNION 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 Sunnyvale School District (SSD) to Cupertino Union School District (CUSD) 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 50 parcels located on Michelangelo Drive and Crescent Avenue in Sunnyvale within the Sunset Oaks townhome complex. The total acreage of the territory is approximately 2 acres. Maps of the territory proposed for transfer and a list of the Assessor Parcel Numbers (APNs) can be found in Appendix B.

The final request to transfer territory was submitted to the Santa Clara County Superintendent of Schools on August 31, 2017 and the signatures were validated by the Santa Clara County Registrar of Voters on October 12, 2017. The petition was subsequently transmitted to the County Committee and State Board of Education on October 30, 2017 (see Appendix C). The public hearings mandated by Education Code Section 35705 were held on December 11, 2017. 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:

- School boundary splits the Sunset Oaks complex
- Of the 245 housing units in the complex, 195 are in the Cupertino Union School District and the remainder are in the Sunnyvale School District
- Having all homes in the complex in a single school district would avoid confusion

The Sunnyvale School District is opposed to the transfer request. Appendix E contains a copy of the resolution from the SSD Board. At the time this report was written, CUSD had not provided any written notification of their position on the request. At the December 11, 2017 public hearing CUSD Superintendent Craig Backer made the following comment, “At this point we are fairly agnostic on the matter but we do want to support our colleagues in Sunnyvale, especially on the issue of eroding boundaries.”
The purpose of this study is to analyze the feasibility of the proposed territory transfer from SSD to CUSD 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

<table>
<thead>
<tr>
<th>School District</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>CUSD</td>
<td>18,598</td>
</tr>
<tr>
<td>SSD</td>
<td>6,536</td>
</tr>
</tbody>
</table>


Five school-age children currently reside in the territory proposed for transfer and attend school in SSD. Three of the students are currently in 7th grade and would finish 8th grade by the time the date of the transfer was effective (July 2019), if the request is approved. The high school district, Fremont Union High School District (FUHSD), is the feeder high school district for both SSD and CUSD and would therefore be unaffected by the transfer, if approved. The potential number of students who could live within the area to be transferred would not be significant enough to impact the enrollment of either CUSD or significantly diminish the enrollment of SSD.

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 area proposed for transfer is located on the SSD boundary line but is not isolated from either CUSD or SSD schools in terms of any geographic boundaries or major highways. Although the 50 town homes proposed for transfer are the only homes within the Sunset Oaks townhome complex not within the CUSD, there is no geographic isolation from the current school district or school of attendance.
**B. Geography**
The geography of the affected school districts is homogeneous throughout and is therefore not a factor.

**C. Distance from Social Centers**
The area proposed for transfer is within a short distance of several social centers located within CUSD and SSD and use of such social centers is dependent upon each resident’s preference.

In terms of retail establishments, the area proposed for transfer is located within an urban community and due to personal preferences, the significance of distance is diminished somewhat as residents choose the retail centers that best meet their needs.

**D. Distance from School Centers**
In terms of traveling to the elementary schools of the affected districts, travel distances and times to CUSD schools are shorter than the travel distances and times to SSD schools. The estimated travel distance, from the center of the area proposed for transfer (1056 Michelangelo Drive), to Stocklmeir in CUSD is 1.1 miles. This is the same as the travel distance Ellis Elementary in SSD. Additionally, without commute traffic, the travel time is approximately 5 minutes to each school from the area proposed for transfer. The differences in these travel times do not meet the Santa Clara County Committee’s definition of extreme hardship (an extreme hardship, under commute duration, exists if the length of time to travel between the territory proposed for transfer and the closest school district of residence exceeds the length of time to travel to the desired school district by 20 minutes or more - see Appendix F). Students travelling to Ellis Elementary (SSD) would need to cross El Camino Real and students travelling to Stocklmeir would cross Fremont Avenue. Figure 1 illustrates the proximity of Ellis and Stocklmeir to the area proposed for transfer.

Additionally, CUSD representatives stated at the public hearing on December 11, 2017 that if the transfer of territory were to be approved there is the chance that the homes in Sunset Oaks may not be within the attendance area for Stocklmeir School and therefore may have to travel further to school due to capacity issues at Stocklmeir. For the petitioners travel times and statement on attendance to Stocklmeir and Ellis, please see Appendix G.
E. Topography
The affected districts each share a similar topography.

F. Weather
Weather is the same throughout and is therefore not a factor.
G. Community, School, and Social Ties and other Circumstances

The territory proposed for transfer falls entirely within the Sunset Oaks townhome complex. Homes within the Sunset Oaks complex are part of the same Homeowners Association and share townhome complex amenities including the complex pool and community center. The properties proposed for transfer are adjacent to the portion of the townhouse complex that falls within CUSD. Additionally, the properties are bordered by the CUSD boundary on three sides. See Figure 2 for an illustration of the area proposed for transfer and Figure 3 for an illustration of the homes that fall within the Sunset Oak complex.

Figure 2. Area Proposed for Transfer
The school boundary line is identified by the small series of dots highlighted in yellow and the area proposed for transfer is highlighted in pink.

SSD Deputy Superintendent Mark Gallagher stated that Crescent Avenue is a significant boundary between SSD and CUSD noting that it’s a two-lane road adding that while it separates the townhome complex it’s not as if it’s a standalone complex, there are a number of other homes there.

Crescent Avenue serves as a boundary between SSD and CUSD for the distance between Michelangelo Drive and Picasso Drive, or the width of the townhome complex. Crescent drive ends at Picasso Drive (with the exception of emergency access to Rembrandt Drive) and is a 20 MPH road in the area of the property proposed for transfer. There are approximately 12 additional residences on Michelangelo Drive north of the property proposed for transfer.

Figure 3. Sunset Oaks Townhouse Complex
The area in green illustrated in Figure 3 is known as the Sunset Oak townhouse complex. The complex is split by the school district boundary line depicted by the yellow line.

In April 2010 the County Committee approved a transfer of 26 properties from Sunset Oaks from SSD to CUSD and in May 2012 approved another 6 parcels in Sunset Oaks from SSD to CUSD. The 26 parcel transfer request from 2010 was supported by both SSD and CUSD. The 6 parcel transfer request was opposed by SSD and CUSD although CUSD pulled their opposition during the process.

It can be argued that the similarity of architecture, size, and style of homes and that they all fall within the same Homeowners association creates a sense of community identity among the residents. Additionally, the County Committee has approved the past two Sunset Oaks transfer requests.

The study team recommends that Criterion 2 is met.

3.0 CRITERION 3

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

There is no real property located 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.

The information on racial/ethnic groups in the affected districts is taken from the 2016-2017 California Basic Educational Data System (CBEDS) report. The racial/ethnic group categories used by CBEDS are:

- American Indian or Alaskan Native - A person having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation of community recognition.
- Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- Pacific Islander - A person having origins in any of the original peoples of the Polynesian, Micronesian, or Melanesian Islands.
- Filipino - A person having origins in any of the original peoples of the Philippine Islands.
- Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- Black - Not of Hispanic origin, a non-Hispanic person having origins in any of the black racial groups of Africa.
- White - Not of Hispanic origin, a non-Hispanic person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
Tables 2 and 3 depict the percentage and number of students in each of the racial/ethnic groups in the three affected school districts.

**Table 2 - Race/Ethnicity of Students in Affected Districts by Number**

<table>
<thead>
<tr>
<th></th>
<th>American Indian</th>
<th>Asian</th>
<th>Pacific Islander</th>
<th>Filipino</th>
<th>Hispanic</th>
<th>African American</th>
<th>Mult./No Response</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>SSD</td>
<td>146</td>
<td>1,759</td>
<td>54</td>
<td>383</td>
<td>1,969</td>
<td>88</td>
<td>682</td>
<td>1,455</td>
</tr>
<tr>
<td>CUSD</td>
<td>22</td>
<td>13,718</td>
<td>29</td>
<td>180</td>
<td>932</td>
<td>115</td>
<td>750</td>
<td>2,852</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>American Indian</th>
<th>Asian</th>
<th>Pacific Islander</th>
<th>Filipino</th>
<th>Hispanic</th>
<th>African American</th>
<th>Mult./No Response</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>SSD</td>
<td>2.2%</td>
<td>27%</td>
<td>0.8%</td>
<td>5.9%</td>
<td>30%</td>
<td>1.3%</td>
<td>10.4%</td>
<td>22.3%</td>
</tr>
<tr>
<td>CUSD</td>
<td>0.1%</td>
<td>74%</td>
<td>0.2%</td>
<td>0.9%</td>
<td>5%</td>
<td>0.6%</td>
<td>4%</td>
<td>15%</td>
</tr>
</tbody>
</table>

There are five school-age children currently residing in the area proposed for transfer. If the proposed territory transfer were approved, there would be no effect on the racial/ethnic balance of the affected districts by the proposed transfer. The potential number of students who could live within the area to be transferred would not be significant enough to impact the racial/ethnic balance of the affected school districts. Three of the students are currently in 7th grade and would finish 8th grade by the effective date of the transfer (July 2019), if the request is approved. Because FUHSD is the feeder high school district for both SSD and CUSD, they would be unaffected if the transfer is approved.

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.”

Currently there are five students in the area proposed for transfer attending school in SSD. 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.

Factors (a) through (f) have also been considered and due to the property requested for transfer having only five students, three of which will have completed elementary/middle school by the time the transfer is effective, and the potential number of students being small, the study team finds that there will be no significant impact on the affected districts.

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.

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.

Five school-age children currently reside in the territory proposed for transfer and attend school in the SSD. Three of the students are currently in 7th grade and would finish 8th grade by the time the date of the transfer was effective (July 2019), if the request is approved. FUHSD is the feeder high school district for both SSD and CUSD and would therefore be unaffected by the transfer, if approved.

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

The study team recommends that Criterion 7 is met.

8.0 CRITERION 8

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

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

Based on the original petition and statements made by the petitioners, there is no indication that this request is primarily designed to increase property values, rather the primary reasons are to unite the Sunset Oaks townhome complex and avoid confusion of school districts. Additionally, Criterion 2, Community Identity, was found to be met.

There are currently no homes for sale in the portion of Sunset Oaks within SSD and one home for sale in the portion of Sunset Oaks that is within the CUSD boundary. Table 4 lists home sales in Sunset Oaks over the past two years by school district.
Table 4. Home Sale Prices for Sunset Oaks

<table>
<thead>
<tr>
<th>School District</th>
<th>Address</th>
<th>Date Sold</th>
<th>Price</th>
<th>Size (by room)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SSD</td>
<td>1026 Michelangelo Dr.</td>
<td>October 2017</td>
<td>$1.27 million</td>
<td>3 bdr/2 bath</td>
</tr>
<tr>
<td>SSD</td>
<td>1030 Michelangelo Dr.</td>
<td>December 2016</td>
<td>$817,000</td>
<td>2 bdr/1 bath</td>
</tr>
<tr>
<td>SSD</td>
<td>1080 Michelangelo Dr.</td>
<td>July 2017</td>
<td>$1.2 million</td>
<td>Studio</td>
</tr>
<tr>
<td>SSD</td>
<td>675 Crescent Ave.</td>
<td>January 2017</td>
<td>$880,000</td>
<td>2 bdr/1.5 bath</td>
</tr>
<tr>
<td>SSD</td>
<td>1239 Picasso Dr.</td>
<td>April 2017</td>
<td>$950,000</td>
<td>2 bdr/1 bath</td>
</tr>
<tr>
<td>CUSD</td>
<td>682 Crescent Ave.</td>
<td>August 2016</td>
<td>$725,000</td>
<td>2 bdr/1.5 bath</td>
</tr>
<tr>
<td>CUSD</td>
<td>614 Crescent Ave.</td>
<td>Currently for sale</td>
<td>$998,000</td>
<td>2 bdr/3 bath</td>
</tr>
<tr>
<td>CUSD</td>
<td>1213 Olivera Terr.</td>
<td>January 2017</td>
<td>$1.25 million</td>
<td>3 bdr/2.5 bath</td>
</tr>
<tr>
<td>CUSD</td>
<td>649 Picasso Terr.</td>
<td>August 2017</td>
<td>$1.28 million</td>
<td>3 bdr/2 bath</td>
</tr>
</tbody>
</table>

Source: Zillow, February 27, 2018.

The average selling price for the homes in Sunset Oaks for both SSD and CUSD was $1.04 million. Based on the home sales over the past two years there does not appear to be a difference based on which elementary school district the home is assigned to.

The study team recommends that Criterion 8 is met.

9.0 CRITERION 9

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

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

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

(CDE’s School District Organization Handbook, 90.)
**Average Daily Attendance**
Currently all students residing in the area proposed for transfer attend school in SSD. Three of the students are currently in 7th grade and would finish 8th grade by the time the date of the transfer was effective (July 2019), if the request is approved. The number of potential students would be small, therefore there would be little impact on ADA.

**Basic Aid Status**
SSD is a community funded district (basic aid). The territory proposed for transfer has an assessed valuation of approximately $21.5 million generating total tax revenues of approximately $300,000. SSD’s actual funding exceeds 2017-18 transition entitlement by approximately $7.3 million. The loss of tax revenue ($50,000 annually according to SSD Deputy Superintendent Mike Gallagher at the public hearing on December 11, 2017) if the transfer of territory were to be approved, would not impact the basic aid status of SSD if the transfer were approved.

Two large townhouse complexes are under development in the City of Sunnyvale; Sandalwood on East Evelyn Avenue (approximately 250 townhomes) and the Vale on De Guigne Drive (approximately 400 townhomes) which will bring additional revenue to the district. (Note: Some units of the Sandalwood complex may fall within the boundaries of the Santa Clara Unified School District.) The home prices are listed from $900,000 to $1.5 million per unit.

**Parcel Tax**
Each of the affected school districts has a parcel tax in effect. Table 5 below shows each district’s parcel tax and the date the parcel tax is set to expire.

<table>
<thead>
<tr>
<th>District</th>
<th>Parcel Tax per Year</th>
<th>Expiration Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>CUSD</td>
<td>$250</td>
<td>2022</td>
</tr>
<tr>
<td>SSD</td>
<td>$59</td>
<td>2022</td>
</tr>
</tbody>
</table>

Source: Individual school district websites.

Residents of the area proposed for transfer would assume the parcel tax of CUSD if the transfer is approved.

Assuming the transfer is approved and becomes effective July, 2019 for tax purposes, there would be a total loss in parcel tax income of approximately $12,000 for SSD (calculation does not include senior exemptions). The loss of total parcel tax dollars will not negatively impact SSD. SSD has approximately 20,000 parcels in the district; although not all parcels will pay the parcel tax, the loss of 50 (.25%) parcels will not have a significant negative impact on the district.
Assessed Valuation
The territory proposed for transfer has an assessed valuation of approximately $21.5 million; this represents .009% of the overall assessed valuation of SSD.

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 H for CEQA documents.

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

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

Currently the school boundary splits the Sunset Oaks complex. Out of a total of 245 housing units most, 195 of them, are in the Cupertino School District, however 50 are in the Sunnyvale School District.
To avoid parents' confusion about Sunset Oaks' school district we ask to unify Sunset Oaks in a single district by moving the remaining 50 housing units to Cupertino School District.

Chief petitioner is: Paklui Cheng
Appendix B
<table>
<thead>
<tr>
<th>APN</th>
<th>Street Number</th>
<th>Street Name</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>211-36-001</td>
<td>1026</td>
<td>Michelangelo Dr</td>
<td>Sunnyvale</td>
</tr>
<tr>
<td>211-36-002</td>
<td>1024</td>
<td>Michelangelo Dr</td>
<td>Sunnyvale</td>
</tr>
<tr>
<td>211-36-003</td>
<td>1030</td>
<td>Michelangelo Dr</td>
<td>Sunnyvale</td>
</tr>
<tr>
<td>211-36-004</td>
<td>1028</td>
<td>Michelangelo Dr</td>
<td>Sunnyvale</td>
</tr>
<tr>
<td>211-36-005</td>
<td>1042</td>
<td>Michelangelo Dr</td>
<td>Sunnyvale</td>
</tr>
<tr>
<td>211-36-006</td>
<td>1040</td>
<td>Michelangelo Dr</td>
<td>Sunnyvale</td>
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October 30, 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 50 parcels from the Sunnyvale School District to the Cupertino Union School District (both districts feed into the Fremont Union High 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]

Jon R. Gundry,
County Superintendent of Schools

JRG/sec
enclosure
October 12, 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 August 31, 2017, relating to the transfer of territory from the Sunnyvale School District(s) with the corresponding area of the Sunnyvale High School District(s) to the Cupertino School District(s) and the corresponding area of the Cupertino High School District(s). Please see the results of the signature verification attached.

We verified 100 percent of the signatures submitted. Of the 21 signatures submitted and verified, 17 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,

[Signature]

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
SUNNYVALE SCHOOL DISTRICT TO
CUPERTINO UNION SCHOOL DISTRICT

The Santa Clara County Committee on School District Organization will conduct public hearings to obtain public response to a request to transfer 50 parcels from Sunnyvale School District to Cupertino Union School District (both districts feed into the Fremont Union High School District). Attached is a map of the area proposed for transfer.

The public hearings will be held at the following locations and times:

<table>
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<th>Public Hearing #1:</th>
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<tr>
<td><strong>Monday, December 11, 2017</strong></td>
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<th>Public Hearing #2</th>
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<td><strong>Monday, December 11, 2017</strong></td>
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For more information regarding the process and public hearings, contact Suzanne Carrig at (408) 453-6869.
NOTICE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT PUBLIC HEARINGS

ON:

A PROPOSED TRANSFER OF TERRITORY FROM
SUNNYVALE SCHOOL DISTRICT TO
CUPERTINO UNION SCHOOL DISTRICT AND

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 50 parcels from Sunnyvale School District to Cupertino Union School District (both districts feed into the Fremont Union High School District). Attached is a map of the area proposed for transfer.

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

Monday, March 12, 2018    5:45
Santa Clara County Office of Education
Board Room
1290 Ridder Park Drive
San Jose  95131

For more information regarding the above issues, contact Suzanne Carrig at (408) 453-6869
DESCRIPTION OF PETITION
TO TRANSFER TERRITORY FROM
SUNNYVALE SCHOOL DISTRICT TO
CUPERTINO UNION 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 50 parcels from the Sunnyvale School District to the Cupertino Union School District (both elementary districts feed into the Fremont Union High 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:

Esther Cheng
1068 Michelangelo Dr.
Sunnyvale, CA  94087-2873
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 50 parcels and there are five public school students in the area according to the latest information received by the Santa Clara County Office of Education. Of the two affected school districts, Sunnyvale School District is a basic aid district. Due to the small number of students, there will be no significant effect on the LCFF allocation due to the petition.

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 uninhabited. 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 Chair Mandy Lowell opened the public hearing at 4:00 p.m. Suzanne Carrig, staff to the Committee, briefly reviewed the reorganization request. CEQA hearing will be held at a separate meeting prior to the County Committee’s action on the request.

Esther Paklui Cheng, Chief Petitioner:
Ms. Cheng made the following comments:

- Owns the townhome located at 1068 Michelangelo Drive in Sunnyvale in the Sunset Oaks complex.
- She collected the signatures on the petition.
- The Sunset Oaks complex is split by the boundary line. There are almost 250 townhomes and a majority of them are within the Cupertino Union School District; 50 homes, including hers, are located within the Sunnyvale School District.
- The boundary change is being requested for the following reasons:
  - It’s a community neighborhood and the kids play together
  - Avoid confusion of which school district the complex is in – they should all be within Cupertino. There are 195 homes in Cupertino and they would like the remaining 50 moved into Cupertino.
Schools in both districts are a similar distance from the complex, the difference is the carpooling; families could drive together if they were all in the same district. This would make it easier for families and it would also take cars off the road and potentially make travel safer.

- Thanked the Committee for their consideration.

**Mike Gallagher, Deputy Superintendent Sunnyvale School District**

Dr. Gallagher made the following comments:

- The district board has passed a resolution in opposition to the request.
- The resolution (attached) highlights numerous reasons for denial including:
  - The loss of $50,000 of assessed valuation each year
  - Loss of parcel tax revenue equally approximately $3,000 annually
  - The 5 students in the area can be housed in the district; there is room for the students.
- Sunnyvale school district wouldn’t object to an interdistrict transfer agreement if Cupertino was in agreement.
- The district desires to maintain the integrity of its boundaries and those of all other school districts except when there are exception circumstances; there are no exceptional circumstances in this case.
- The boundary that separates our district from Cupertino is Crescent Avenue which is a significant boundary, it’s a two-lane road and while it separates the townhome complex it’s not as if it’s a standalone complex, there are a number of other homes there.
- In 2010 there was a petition from residents in a different portion of Sunset Oaks townhouse complex and consent was based on the unique circumstances of those houses. There was a longstanding debate as to where those parcels belonged; it was part of the Sunnyvale School District but kids had been going to Cupertino schools.
- Sunnyvale remains opposed to the transfer.

**Dr. Benjamin Picard, Superintendent, Sunnyvale School District**

Dr. Picard made the following comments:

- Mr. Gallagher did a good job covering our concerns as well
- Would like to add that with the 2010 petition there was a historical mistake in allocating the properties and also the property lines weren’t clean. The boundary cut through properties, there was not a clean delineation between the school districts. Looking at that situation is was reasonable to consent to the transfer request.
- The 2010 issue was not precedent setting; we felt there were unique and compelling reasons but those unique and compelling reasons do not exist with this current petition and that is why the board unanimously passed a resolution against the request.
Craig Baker, Superintendent, Cupertino Union School District

Dr. Baker made the following comments:

• The CUSD Board has not met on this issue, wanted to wait for the public hearings to be held so that we could have a conversation about the information that was gathered.

• At this point we are fairly agnostic on the matter but we do want to support our colleagues in Sunnyvale, especially on the issue of eroding boundaries.

• We too are open to the idea of receiving interdistrict transfers.

• Would like to point out that this boundary change is in an area that is our most impacted.

• Stocklmeir Elementary is in the area, has 1,200 students, and we don’t generally allow any transfers into that school. We have other elementary schools of 300 or 400, but this is at 1,200. Need people to know that even if the boundary was changed, this area may not even go to Stocklmeir which means there will still be some kind of a split in that community. That’s not to take a position on this request but just provide information at this time.

Member Mandy Lowell asked a clarifying question; she asked that even if the transfer were to be approved the housing development may not be left intact in regards to school attendance area.

• The district is just at the beginning of this situation and it could be that the entire housing development is put in a new attendance area. Students wanting to go to Stocklmeir are wait-listed now and it will take the district a couple of years to work this out.

Prior to statement from registered speakers, Mandy Lowell and Suzanne Carrig reviewed the CEQA hearing issue. The CEQA hearing was not noticed with 72 hours and therefore will be held at another time and date prior to the County Committee taking final action on the request.

Statement from Registered Speakers:

Mark Burns, Cupertino Union School District Resident

Mr. Burns made the following comments:

• In this case the homes are in the Sunnyvale School District, if they were in Cupertino School District their property values would be much higher – I’m a real estate agent and also the chair of the citizens oversight commission on the bond measure.

• I’ve seen this happen before. There are two properties at the end of Gamblin in Santa Clara that were reviewed a couple of years, one home owned for a long time one recently purchased, and asked to be in CUSD. When that subdivision was built it was agreed that those two parcels would remain in Santa Clara Unified, the transfer would have added $150,000 to $200,000 to the value.

• Stated that when the committee approves a transfer they are unjustly enriching the homeowners requesting the transfer.

• Although I haven’t done any research on these homes, the transfer is essentially adding money to the properties.
• People bought these properties knowing they were Sunnyvale schools and now they’re going to get a bonus, they’re going to get a free amount of money added on to the value of their properties.
• It’s understandable that there are boundaries that split neighborhoods.
• As a real estate agent, see this as the homeowners getting a bonus and they didn’t buy or pay for that.
• Things need to stay the way there are. Borders are a mess, but at this point of time this is not a good time to change things.

The public hearing ended at 4:25 p.m.

Santa Clara County
Committee on School District Organization
Public Hearing #2
December 11, 2017

Location: Sunnyvale School District – Board Room
819 W. Iowa Ave, Sunnyvale 94086

Time: 5:35 p.m.

Committee Members Present:
Nejleh Abed
Bob Benevento
Mandy Lowell
Barry Schimmel
Denise Ramón Herrera
Jim Van Pernis
Christina Ramos
Ellen Wheeler

County Office Staff Present:
Suzanne Carrig

Committee Chair Mandy Lowell opened the public hearing at 5:30 p.m. Suzanne Carrig, staff to the Committee, briefly reviewed the reorganization request.

Esther Paklui Cheng, Chief Petitioner:
Ms. Cheng made the same comments as she did at the first public hearing.
Mike Gallagher, Deputy Superintendent Sunnyvale School District
Dr. Gallagher made the same comments as he did at the first public hearing adding the comments made by Dr. Picard regarding the 2010 boundary change request and the reasons why the district did not oppose that request.

Statement from Registered Speakers:
Mark Burns, Cupertino Union School District Resident
Mr. Burns made the same comments as he did in the first public hearing.

Questions:
Member Barry Schimmel asked what the size of the school in the Sunnyvale School District that the students go to, the other district said the school has about 1,200.

Dr. Picard stated that the Sunnyvale school has approximately 730 students, capacity is about 850.

Member Ellen Wheeler asked about the resolution of the property transfer referenced by Mr. Burns. Staff stated that the County Committee has not seen a request from Gamblin Avenue but that there was a two parcel transfer on Glorietta Avenue from Santa Clara Unified to Cupertino and Fremont Union.

The public hearing ended at 5:50 p.m.
RESOLUTION NO. 18-05

RESOLUTION OF THE GOVERNING BOARD
OF THE SUNNYVALE SCHOOL DISTRICT
OPPOSING THE TRANSFER OF TERRITORY FROM
SUNNYVALE SCHOOL DISTRICT TO CUPERTINO UNION SCHOOL DISTRICT

WHEREAS, the Sunnyvale School District ("Sunnyvale") provides public education services to all school-aged children in its boundaries from grades TK-8; and

WHEREAS, Sunnyvale borders the Cupertino Union School District ("Cupertino"), which also provides public education services to all school-aged children within their boundaries from grades TK-8; and

WHEREAS, pursuant to Education Code section 35700, a petition ("Sunset Oaks Petition") has been filed with the Santa Clara County Committee on School District Organization ("County Committee") by chief petitioner Paklui Cheng, on behalf of certain property owners residing within a portion of the Sunset Oaks Townhome Complex in Sunnyvale, California ("Transfer Area"), to permanently transfer fifty (50) parcels from Sunnyvale to Cupertino, and the Petition is supported by the requisite 25% of the registered voters in the Transfer Area; and

WHEREAS, in 2010, residents within a different portion of the Sunset Oaks Townhome Complex did similarly petition the County Committee for a transfer of parcels from Sunnyvale to Cupertino ("2010 Petition"); and

WHEREAS, on March 11, 2010, the Board of Education of Sunnyvale adopted Resolution No. 10-16, a copy of which is attached as Exhibit A hereto, consenting to the 2010 Petition based solely on unique circumstances affecting those parcels, including a long term historical mistake of fact as to the location of the boundary between Sunnyvale and Cupertino; and

WHEREAS, as expressed in Resolution No. 10-16, Sunnyvale is and remains unequivocally opposed to territory transfers at the edges of its boundaries absent unique or compelling circumstances; and

WHEREAS, the Petition presents no compelling circumstances for a transfer other than what inevitably occurs on or near a school district boundary; and

WHEREAS, if approved by the County Committee, the Petition will set a precedent for future requests from residents of Sunnyvale based on proximity to the districts' boundaries, leading to the incremental erosion of established boundaries, creating a serious problem not only for Sunnyvale but any other school district in the County of Santa Clara around the edges of its borders; and

WHEREAS, Sunnyvale seeks to maintain both the integrity of its boundaries and consistency in reviewing petitions for transfers of property; and

WHEREAS, Education Code section 35709 provides the discretion, but does not mandate that a County Committee grant a petition if the conditions enumerated in Education Code section 35733 are substantially met; and

WHEREAS, the Board of Education of Sunnyvale now wishes to oppose the Petition and the transfer of the Transfer Area from Sunnyvale to Cupertino.
NOW, THEREFORE, the Board of Education does hereby resolve as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Integrity of Boundaries. The Board of Education desires to maintain the integrity of its boundaries over the long term, and opposes any action by the County Committee that will set a precedent permitting residents living on the edges of Sunnyvale's or any other school district's boundaries, to, in the absence of exceptional circumstances, choose their resident school district for reasons that are not the result of residing on the boundary between two school districts. The Petition does not evidence any such exceptional circumstances.

Section 3. Reorganization Criteria are a Minimum Threshold. In accordance with the California Department of Education's "District Organization Handbook," the conditions in Education Code section 35753 constitute a minimum threshold which must be met before the County Committee is vested with discretion to act, but there is no mandate that the County Committee must approve a territory transfer when such conditions have been met. Every small petition to transfer territory may meet the minimum criteria established in the Education Code, while successive territory transfers from Sunnyvale to neighboring districts would negatively affect Sunnyvale, and other similarly situated school districts, over time, as a result of these cumulative impacts.

Section 4. Opposition to Petition. The Board of Education opposes the Petition even if the County Committee determines the criteria have been met, because the criteria may not take into account numerous critical issues, including:

- Long term fiscal consequences of boundary erosion on Sunnyvale, considering:
  - Sunnyvale's status as a community-funded district, funded exclusively by property taxes;
  - Loss of additional voter-approved tax revenue currently received by Sunnyvale from the Transfer Area, which includes special and ad valorem property tax revenues from bond and parcel tax measures
- Impacts on Cupertino schools near the Transfer Area, which currently are overcrowded

Section 5. Request Denial. The Board of Education hereby requests that the County Committee exercise its discretion to disapprove the Petition.

PASSED, ADOPTED, and APPROVED by the Board of Education of the Sunnyvale School District this 7th day of December, 2017, by the following votes:

AYES: 5 (Arnett, Herrmann, Maginot, Myers, Nuikirk)
NOES: 0
ABSTENTIONS: 0
ABSENT: 0

By: /s/ [Signature]
President, Board of Education

ATTEST:

By: /s/ [Signature]
Secretary for the Board of Education

563447-1
RESOLUTION OF THE GOVERNING BOARD OF
THE SUNNYVALE SCHOOL DISTRICT
RESOLUTION NO. 10-16

CONSENTING TO TERRITORY TRANSFER (SUNSET OAKS TOWNHOME COMPLEX)

WHEREAS, the Sunnyvale School District ("Sunnyvale") and the Cupertino Union School District ("Cupertino") share a common boundary line; and

WHEREAS, pursuant to Education Code section 35700, a petition ("Petition") has been filed with the Santa Clara County Committee on School District Reorganization ("County Committee") by a group of residents currently residing within Sunnyvale's boundaries, said Petition requesting that 26 legal parcels of inhabited land ("Transfer Area") be transferred from Sunnyvale to Cupertino, and the Petition is supported by the requisite 25% of the registered voters residing in the territory to be transferred; and

WHEREAS, the Transfer Area is depicted on Exhibit "A;" and

WHEREAS, the Transfer Area is comprised of a portion of the Sunset Oaks Townhome Complex, the residents of which have attended Cupertino schools since approximately 1972 on a mistaken belief that they, like the balance of the residents residing in said Complex, were residing within Cupertino's boundaries; and

WHEREAS, in May, 2009, Sunnyvale and Cupertino discovered, and Petitioners were advised, that the Santa Clara County Assessor had determined that the homes in the Transfer Area were in fact within Sunnyvale's boundaries, and affected residents were informed that they must attend Sunnyvale schools or obtain inter-district transfer permits to continue attending Cupertino schools, which decision prompted the filing of the Petition; and

WHEREAS, Sunnyvale has reviewed the Petition and the arguments presented therein by the Petitioners and disagrees with much of the analysis presented as it relates to some or all of the statutory criteria for school district reorganization, but nevertheless believes that the unique facts and circumstances at issue due to a long term mistake as to the location of the boundary are a compelling reason to consent to the proposed transfer.
WHEREAS, the Board of Education of Sunnyvale now wishes to consent to the transfer of the Transfer Area in accordance with law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the above recitals are true and correct.

Section 2. That the Board of Education of the Sunnyvale School District does hereby consent to the Petition and transfer of the Transfer Area to Cupertino, solely due to the unique circumstances affecting the Transfer Area.

Section 3. That the Board of Education desires to maintain the integrity of its boundaries over the long term, and does not wish to set a precedent for residents living on the edges of Sunnyvale's boundaries. The County Committee is hereby requested to approve the transfer based on a finding of exceptional circumstances resulting from a long-term mistake of fact related to the location of school district boundaries and to so note its conclusion for the administrative record.

The foregoing Resolution No. 10-16 was adopted this 11th day of March, 2010, by the following vote:

AYES: 5
NOES: 0
ABSTENTIONS: __
ABSENT: _____

Attest:

Clerk, Board of Education
Sunnyvale School District
Definition of Geographic Isolation
A situation in which the duration and/or safety of the commute between the territory proposed for transfer and the closest school within the school district of residence causes an extreme hardship to the student(s) residing in the territory.

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

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

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

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

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

The County Committee also may consider exceptional circumstances of a particular territory or area surrounding the territory.
Date: January, 2018

From: Paklui Cheng
owner of: 1068 Michelangelo Dr
Sunnyvale, CA 94087

To: Santa Clara County Committee

Subject: Please Unite Sunset Oaks in In Cupertino School District

According to the rules, unifying the whole complex in one school district is a valid reason for a territory transfer. In the past the residents of Sunset Oaks, unhappy with the split, kept asking you to transfer a few units at a time. If you move the remaining 50 townhomes to the Cupertino school district the whole complex will finally be united, avoiding any further confusion for parents and realtors.

In 2017 the Ellis school accepted about the same number of kindergarteners as in 2016, while Stocklmeier accepted about 16% fewer than in 2016.

There is a new housing development, Sandalwood, at 701 East Evelyn Ave, 0.7 miles from Ellis school. It consists of 215 units to be completed by September 2018. This complex due to its proximity would be the right one to assign to Ellis school.

You can see on the maps on the next page that the area we want to transfer is very small. For all the reasons mentioned above we certainly hope that you grant our request.

Regards
Paklui Cheng
Maps of the school districts with circled area corresponding to the part of Sunset Oaks that we wish to transfer.
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
   (Address)

X County Clerk
County of Santa Clara County

Project Title: Transfer of Territory: Sunnyvale Elementary School District to Cupertino Union 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 50 parcels from SSD to CUSD

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