

EMERGENCY MEETING

February 1, 2022

2:00 p.m.

Location: *The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92880 and via YouTube live stream at <https://www.youtube.com/watch?v=6EzOM27XCIU>*

ORANGE COUNTY BOARD OF EDUCATION
AGENDA
Emergency Board Meeting

WELCOME

CALL TO ORDER

STATEMENT OF PRESIDING OFFICER: For the benefit of the record, this Special Meeting of the Orange County Board of Education is called to order.

ROLL CALL

PLEDGE OF ALLEGIANCE

(*)AGENDA

Emergency Meeting of February 1, 2022 – adoption

(*)MINUTES

PUBLIC COMMENTS

CLOSED SESSION 1

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Orange County Board of Education v. Orange County Committee on School District Organization – Case Number 30-2022-01242499-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)

BOARD RECOMMENDATIONS

- (*) 1. Resolution on County Board Of Education Redistricting Plan

ADJOURNMENT

Nina Boyd
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, February 2, 2022 at 4:00 p.m. The meeting will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92880 with limited seating and via YouTube live stream.

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966.4012.

(*) Printed items included in materials mailed to Board Members



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: February 1, 2022

TO: Nina Boyd, Deputy Superintendent

FROM: Mari Barke, Board President
Ken Williams, D.O., Board Vice President

SUBJECT: Resolution on County Board Of Education Redistricting Plan

RECOMMENDATION:

Board action on Resolution on County Board Of Education Redistricting Plan

Resolution on County Board Of Education Redistricting Plan

ORANGE COUNTY BOARD OF EDUCATION

February 1, 2022

WHEREAS, Article I, Section 2 of the United States Constitution mandates that an apportionment of representatives among the states be carried out every ten (10) years; and

WHEREAS, the United States Census Bureau collected census data as required by Article I, Section 2. The final census population data was validated by the Demographic Research Unit of the United States Department of Finance; and

WHEREAS, on September 16, 2021, the United States Census Bureau released the 2020 Census Redistricting Data (Pub. Law 94-171) Summary File to all states. This represented a 4-6 month delay because of the impacts of the COVID-19 pandemic on the operations of the United States Census Bureau; and

WHEREAS, subsequent thereto, the State of California adjusted redistricting data file to reflect the reallocation of data from certain incarcerated persons to their last residential address; and

WHEREAS, as it has historically done in 2001 and 2011, the Orange County Board of Education ("Board") proceeded to exercise its authority under Education Code §35160-351612 to create a Trustee Area Redistricting Plan; and

WHEREAS, at the May 5, 2021 Regular Board Meeting, the agenda of the Board included BOARD DISCUSSIONS - 2021 Board Census Presentation - Gregory Rolen; and

WHEREAS, at the June 2, 2021 Regular Board Meeting, the Board the Board publicly approved the Redistricting Contract for National Demographics Corporation; and

WHEREAS, National Demographics Corporation has successfully performed redistricting plans in several states and you have received state and national recognition for its demographic expertise; and

WHEREAS, at the June 16, 2021, Regular Meeting of the Orange County Board of Education, the Board publicly appointed Trustee Williams and Trustee Shaw to the Redistricting Committee; and

WHEREAS, at the August 4, 2021, Regular Meeting of the Orange County Board of Education, Dr. Douglas Johnson of National Demographics Corporation made a public presentation on redistricting; and

WHEREAS, at the October 6, 2021 Regular Board Meeting, the Board received a public update on the Board redistricting process; and

WHEREAS, at the November 3, 2021, Regular Board Meeting, the Board received a public presentation by Dr. Douglas Johnson of National Demographics Corporation on the redistricting process and creation of three (3) proposed redistricting maps with relevant demographic data; and

WHEREAS, at the November 3, 2021, Regular Board Meeting, the Board conducted its first public hearing on the redistricting plan. The Board received public comment on the redistricting plan, not only during the public comment portion of the Board agenda, but also during the public hearing via electronic mail; and

WHEREAS, at the November 3, 2021, Regular Board Meeting, Dr. Douglas Johnson presented three (3) proposed maps for Board and public consideration; and

WHEREAS, at the November 3, 2021, Public Hearing on the Board redistricting plan, the Board welcomed additional maps to be presented by the Board and public no later than November 12, 2021; and

WHEREAS, on or about November 3, 2021, the three (3) presented maps were posted on the Board REDISTRICTING 2021 website; and

WHEREAS, on or before November 12, 2021, the Board received seven (7) additional maps for Board consideration; and

WHEREAS, the ten (10) proposed maps were posted on the Board REDISTRICTING 2021 website on or about November 22, 2021; and

WHEREAS, at the December 1, 2021 Regular Board Meeting, the Board conducted its second public hearing on the redistricting plan. The Board received public comment on the redistricting plan during the public hearing and via electronic mail; and

WHEREAS, at the December 1, 2021 Regular Board Meeting, the Board considered each proposed map separately. The Board summarily commented on each proposed redistricting map as follows:

- Map 1 - by consensus, the Board disapproved of Map 1, for reasons including, but not limited to: (1) it appeared nonresponsive to public comment requesting Cypress reside in Trustee Area 2 (see December 1, 2021, Board Meeting YouTube video); and
- Map 2 - by consensus, the Board disapproved of Map 2, for reasons including but not limited to: (1) it appeared nonresponsive to public comment requesting Cypress reside in Trustee Area 2 (see December 1, 2021, Board Meeting YouTube video); and

- Map 3 - by consensus, the Board disapproved of Map 3, for reasons including but not limited to: (1) it appeared nonresponsive to public comment requesting Cypress reside in Trustee Area 2 (see December 1, 2021, Board Meeting YouTube video); and
- Map 4 - by consensus, the Board agreed to consider Map 4 at the December 8, 2021 Public Hearing, for reasons including, but not limited to: (1) Map 4 appeared responsive to the public comment requesting Cypress reside in Trustee Area 2; (2) Map 4 maintained a 52% Latino Voting Age Population in Trustee Area 1; (3) Map 4 maintained a 33% Asian Voting Age Population in Trustee Area 2; and (4) Map 4 has a mere .37% deviation (2349 voters) between the largest and smallest Trustee Area (see December 1, 2021, Board Meeting YouTube video); and
- Map 5 - by consensus, the Board agreed to consider map 5 at the December 8, 2021, Public Hearing, for reasons including, but not limited to: (1) Map 5 appeared responsive to public comment requesting Cypress reside in Trustee Area 2; (2) Map 5 maintained a 51% Latino Voting Age population in Trustee Area 1; (3) Map 5 maintained a 34% Asian Voting Age population in Trustee Area 2; and (4) Map 5 has a 0% deviation (1 voter) between the largest and smallest Trustee Area (see December 1, 2021, Board Meeting YouTube video); and
- Map 6 - by consensus, the Board disapproved of Map 6, for reasons including, but not limited to: (1) Map 6 was created for the Orange County Board of Supervisors which has a different statutory purpose and mission than the Board; (2) Map 6 was not presented with sufficient demographic data for either National Demographics Corporation or the Board to determine whether it was compliant with the Voting Rights Act, maintained communities of interest and/or made trustee areas as nearly equal in population as may be; and (3) Map 6 was rejected by the Orange County Board of Supervisors (see December 1, 2021, Board Meeting YouTube video); and
- Map 7 - by consensus, the Board disapproved of Map 7, for reasons including, but not limited to: (1) Map 7 was created for the Orange County Board of Supervisors which has a different statutory purpose and mission than the Board; (2) Map 7 was not presented with sufficient demographic data for either National Demographics Corporation or the Board to determine whether it was compliant with the Voting Rights Act, maintained communities of interest and/or made trustee areas as nearly equal in population as may be; and (3) Map 7 was rejected by the Orange County Board of Supervisors (see December 1, 2021, Board Meeting YouTube video); and
- Map 8 - by consensus, the Board disapproved of Map 8, for reasons including, but not limited to: (1) Map 8 was created for the Orange County Board of Supervisors which has a different statutory purpose and mission than the Board; (2) Map 8 was not presented with sufficient demographic data for either National Demographics Corporation or the Board to determine whether it was compliant with the Voting Rights Act, maintained communities of interest and/or made trustee areas as nearly

equal in population as may be; and (3) Map 8 was rejected by the Orange County Board of Supervisors (see December 1, 2021, Board Meeting YouTube video); and

- Map 9 - by consensus, the Board disapproved of Map 9, for reasons including, but not limited to: (1) Map 9 appeared nonresponsive to public comment requesting Cypress reside in Trustee Area 2; (2) Map 9 had the lowest Asian Voting Age Population in Trustee Area 2, at 25%; (3) Map 9 had a 2.18% deviation (13,940 voters) between the largest and smallest Trustee Area; (4) two (2) current Trustees will reside in the same Trustee area; and (5) Map 9 was submitted with extraneous voter registration data (see December 1, 2021, Board Meeting YouTube video); and
- Map 10 - by consensus, the Board disapproved of Map 10 for reasons including, but not limited to: (1) Map 10 has a 9.22% deviation (58,864 voters) between the largest and smallest Trustee area; (2) several districts are renumbered; (3) Map 10 alters many current trustee areas and thereby does not respect voter choices/continuity in office (see December 1, 2021, Board Meeting YouTube video).

WHEREAS, the Orange County Board of Supervisors has passed a resolution confirming and granting the Board's exclusive authority to create and adopt its Trustee Area boundaries.

THEREFORE THE ORANGE COUNTY BOARD OF EDUCATION hereby resolves as follows:

1. At the December 8, 2021 Public Hearing, the Board considered public comment in advance of consideration of Maps 4 and 5; and
2. The Board approved a Trustee Area Redistricting Plan at the December 8, 2021 Public Hearing, which was Map 5; and
3. The Board hereby approves and adopts, as of the date of this resolution, Map 5 as the Board's Trustee Areas and Trustee Area Redistricting Plan; and
4. The Board submitted the Board Approved Redistricting Plan to the Orange County Registrar of Voters ("Registrar") by December 15, 2021 adjustment process deadline and will resubmit it again pursuant to this resolution on before February 2, 2022.