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March 5, 2018

**VIA CERTIFIED MAIL**

Mr. Coby Pizotti, Clerk  
c/o Ms. Linda Luna, Superintendent  
Washington Unified School District  
930 Westacre Road  
West Sacramento, CA

**Re: Petition to Comply with the California Voting Rights Act**

Dear Mr. Pizotti:

Please add the following prospective plaintiffs:

Edward Castorena

Sandra Miranda

Sincerely,



Scott J. Rafferty

# SCOTT J. RAFFERTY

ATTORNEY AT LAW

1913 WHITECLIFF COURT  
WALNUT CREEK CA 94596

(202)-380-5525  
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March 3, 2018

VIA CERTIFIED MAIL

Mr. Coby Pizotti, Clerk  
c/o Ms. Linda Luna, Superintendent  
Washington Unified School District  
930 Westacre Road  
West Sacramento, CA

## **Re: Petition to Comply with the California Voting Rights Act ("CVRA")**

Dear Mr. Pizotti:

In 2001, the Legislature determined that the use of at-large elections (by cities and districts that are characterized by racially polarized voting) dilutes the influence of minority voting blocs. I represent the Latino Information and Resource Network, the Broderick Area Homeowners' Association and their members, including Maria Grijalva, who are committed to advocate for the interests of all minority voters. We give notice of our belief, supported by evidence, that at-large voting dilutes minority electoral influence in the election of board members to the Washington Unified School District (WUSD), thus violating Elections Code Section 14047. The remedy is to change from at-large election to election from single-member districts (or "trustee areas"). The Board should consider this advice as an opportunity to engage the community in a collaborative process that avoids adversary litigation.

The Board sees its mission as (1) establishing a vision that drives every aspect of school programs, (2) maintaining organizational structure and policies, (3) ensuring accountability, and (4) providing community leadership. According to its mission statement, "These four roles represent the functions that are so fundamental to a school system's accountability to the public that, in our democratic society, they can only be performed by an elected governing body." Yet, because minority voters have been diluted, the Board is not equally accountable to or representative of all parts of the community.

As detailed below, electing by single-member districts should enhance community engagement, particularly among minority parents and stakeholders. This can reduce achievement caps and improve overall district performance. It should improve voter engagement and participation in all West Sacramento elections. Finally, it is an important economy that will reduce recurring election costs by almost 50 percent, making these funds available to train and keep more and better teachers.

## Rafferty to WUSD, Voting Rights Petition, page 2

These permanent benefits and savings far outweigh the Board effort and approximately \$30,000 cost of implementing the transition.

Therefore, I respectfully request that the Board take the following actions at its meeting on March 8, 2018:

- (1) After a public hearing, grant authorization to seek a waiver by the State Board of Education from the requirement that the Board seek voter approval of the possible change from at-large to district elections. (The Board must apply prior to March 16, even if it has not resolved to create trustee areas.)
- (2) Adopt a resolution of intent to transition to trustee areas.
- (3) Conduct the first public hearing on how the trustee areas should be designed.

If the Board takes these initial actions, and the subsequent steps described below, it will be protected from litigation and able to conduct district elections in November 2018.

### RACIALLY POLARIZED VOTING AND THE REMEDY OF DISTRICT ELECTIONS

Elections Code, Section 14028(a) requires a showing of racially polarized voting. Racially polarized voting occurs when some candidates preferred by one race or language group receive a higher level of support from that group than from the electorate at-large.<sup>1</sup> This differential is inferred by comparing the vote share in precincts in which different percentages of the voters belong to the race or group in question. Therefore, as a practical matter, demonstrating racially polarized voting requires that two conditions be met. First, the community must have sufficient residential segregation for there to be precincts with different percentages of minority voters. Second, high-minority precincts must vote differently than precincts with a smaller percentage of minority voters.

As demonstrated below, both of the essential conditions clearly exist in Washington Unified School District. Once racial polarization is established, it is probative, but not necessary, to show that minority candidates have been disproportionately unsuccessful in the at-large system. Section 14028(e). Proof of intentional discrimination by voters or elected officials is not required. Elections Code, Section 14028(d).

“The failure of minority candidates to be elected to office does not by itself establish the presence of racially polarized voting.” Jaugueri v. Palmdale, (2014) 226 Cal. App. 4<sup>th</sup> 781. Similarly, the success of minority candidates does not negate the presence of racially polarized voting. It is sufficient evidence of polarized voting that candidates who fare well in high-minority precincts do significantly less well in low-minority precincts.

An extreme example from another state demonstrates how voting can be racially

polarized even when minority candidates appear to succeed. Six years ago, an immigrant with a Hispanic surname was elected to the United States Senate from Texas. Starr County, which is more than 99 percent Latino, gave his unsuccessful Anglo opponent 83% of the vote. King County, which is 94 percent white gave the successful Latino candidate 96% of the vote. Of course, such extreme polarization does not happen in Northern California -- and the CVRA does not require such dramatic evidence. However, this case demonstrates that Latino ancestry and/or a Hispanic surname is not an automatic indicator that a candidate is the choice of the minority community.

In 2014, every candidate for the WUSD Board had a Hispanic surname, but not all of them were Latino candidates-of-choice. It is also evidence that high-minority precincts support state or local ballot questions at higher or lower levels than precincts with fewer minority voters, especially when the question involves bilingualism, immigration, criminal justice reform, and other subjects of special interest to minority communities. It is not surprising that minority communities vote differently, so it is important not to personalize a finding that a particular incumbent was disproportionately successful in low-minority communities. The remedy is prospective, and not about any individual. It does not cut short anyone's time in office. The duly elected incumbents serve out their terms. Education Code, Section 5030.<sup>2</sup>

The federal Voting Rights Act does not prohibit at-large voting unless it is possible to create at least one district that has a majority of minority voters. However, the California Legislature has a much stronger preference for single member constituencies. Wherever there is racially polarization, the jurisdiction must create single member districts that attempt to increase the influence of minority voting blocs. The requirement that the voters approve the creation of individual trustee areas is routinely waived.

#### THE SAFE HARBOR PROCESS AND ALTERNATIVE BUDGET PROPOSAL

The CVRA created a private right of action to require the jurisdiction to elect its governing body from single-member districts. Dublin Unified School District (4143 students) recently received a demand letter from the Southwestern Voter Registration Education Project, which led it to adopt districts.<sup>3</sup> Martinez Unified School District capitulated and will create districts, one of which has only 1700 voters.<sup>4</sup> At least 125 smaller school boards have been districted as a result of CVRA lawsuits or by preemptive orders from the county board of education (or committee on school district organization).

Because no plaintiff has ever lost a case, the League of California Cities calls CVRA "no-risk litigation for plaintiffs."

CVRA provides generous recovery for attorney's fees. Consequently, cities have incurred extremely high legal costs — some as high as \$7 million... Local agencies in recent years have paid an estimated \$20 million in legal fees to plaintiffs' attorneys... [S]ettlements are much higher, typically in the six figure range (even seven figures).<sup>5</sup>

In 2016, the Legislature created a safe harbor to enable jurisdictions voluntarily to adopt district elections prior to such costly litigation. AB 350 directs a prospective plaintiff to send a notice to a city or district that their use of at-large elections "may violate the CVRA." Election Code 10010(f) allows the attorney sending such a notice to recover up to \$30,000 for the costs of statistical studies and other work product generated to support the notice. The law is intended to allow the city to consider the evidence by staying the plaintiff's right to sue for 45 days, at which point litigation can proceed if the city has not enacted a resolution of intent agreeing to implement single-member districts. The system was requested by the League of Cities, which the legislative history approvingly cited:

The most recent amendments reflected in AB 350 ensure that cities are protected from serial litigants who have been targeting cities and other local agencies for financial gain rather than working with the local jurisdiction and stakeholder groups to ensure the best possible outcome. Assembly Elections Committee Analysis, AB 350, August 26, 2016.

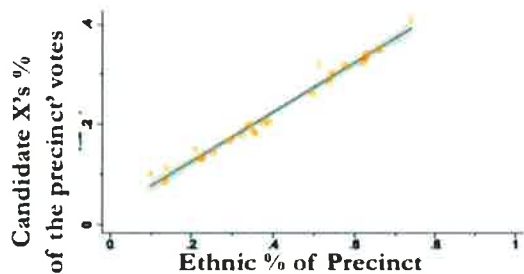
Apparently, some jurisdictions have paid this award as a bounty, even though the demand letter provided no detailed evidence. In most cases, the involvement of the attorney ends with the submission of the original notice. Dublin Unified School District disclosed that the plaintiff's attorney exhausted the \$30,000 by charging \$595.00 per hour (without time detail) plus \$14,400 for a demographic study no part of which was cited or submitted. The letter, which closely resembled ones the attorney had sent to many other jurisdictions, contained only six sentences about the school district and one statistic (that Latinos constitute 11.8% of the population). Even so, DUSD paid \$30,000.

Upon receiving the notice, cities and school districts typically retain both an attorney and demographer to propose maps. These costs are in addition to the \$30,000 that may be claimed by the petitioning attorney. The City of Martinez recently announced that it expects to pay up to \$60,000 to a demographer and \$45,000 to outside counsel, even though it has only 20,000 registered voters.<sup>6</sup> West Sacramento is 40 percent larger than Martinez. School districts face significantly higher legal costs due to the complexities of obtaining approval from the Yolo County Board of Education (sitting as the county committee on school district organization) and the waiver of Education Code provisions described below.

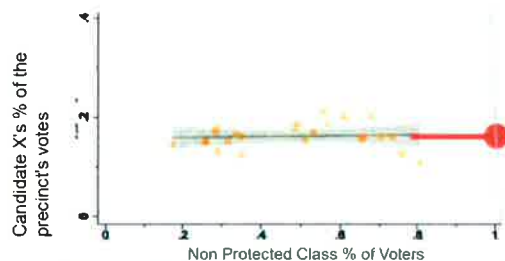
## Rafferty to WUSD, Voting Rights Petition, page 5

Even after passage of the fee cap, Martinez's \$60,000 demographer denounced the CVRA as a "bad law" with a "low bar for plaintiffs" and "an ugly case law." "Good Intentions, Bad Law," Nov. 2017 at 3.<sup>7</sup> He claims that Modesto paid plaintiffs \$3 million and spent \$1.7 million having its own attorneys lose in three courts before settling. [\*Id.\* at 13](#). Palmdale paid plaintiffs \$4.5 million. [\*Id.\* at 14](#). He continues: "Other Notable Settlement Amounts: Anaheim - \$1.1 million; Whittier - \$1 million; Santa Barbara - \$600,000." [\*Id.\* at 17](#)

The \$60,000 demographer provides examples of his analysis that you can compare with the graphs provided [later in this petition](#). [\*Id.\* at 26](#) and [27](#).



An example of a good fit of the regression line to the dots, with a narrow confidence interval (the grey area) and, as a result, a clear preference.



An example of a decent, but not great fit, with no change in the candidate's percentage as the ethnicity of the precinct changes:

Of course, WUSD is free to retain an independent demographer and attorney. However, it may be more economical to adopt the model suggested by the League, in which the petitioner "work[s] with the local jurisdiction and stakeholder groups to ensure the best possible outcome." In that spirit, I offer the following proposed budget:

Discussions with prospective plaintiffs; collection and analysis of demographic and electoral data; investigation of impact of minority disengagement on district performance; effects of past discrimination; interview of parents and other stakeholders	\$30,000.00
Preparation of maps and demographic materials for public hearings	Included
Private explanation of map at request of each individual board member, including preparation of any request to provide a revised optional map	Included
Travel to and attendance at three Board meetings	Included
Travel to and attendance at additional Board meetings; county committee hearing; or State Board hearing (optional)	\$350.00/hour

Preparation of State Board waiver request (optional)	\$5,000.00
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Unless the District requires additional assistance with the waiver request or attendance at more than three meetings, this eliminates **all the additional costs** and completes the entire task within the statutory fee cap.

#### TENTATIVE SCHEDULE AND WORKPLAN

The most time-critical element is the State Board of Education waiver, which must be authorized, prepared and submitted no later than March 16, 2018. Other hard deadlines are indicated.

This schedule shows how quickly the process could be completed, relying primarily upon existing meetings, assuming there is strong Board and community support for the transition. This reflects an assumption that the sooner the process is completed, the less Board time and effort will be required. Outreach to language minorities and consideration of any community concerns is, however, extremely important, and could extend the schedule. The Yolo County committee has not considered a CVRA-based application before, so it may require more detailed explanation than usual in other counties. Note that all Board tasks and significant approvals can be completed before the candidate filing deadlines.

March 8	Conduct public hearing, grant authorization to seek a waiver by the State Board of Education from the requirement that the Board seek voter approval of the possible change from at-large to district elections  Adopt a resolution of intent to transition to trustee areas.  Conduct the first public hearing on how the trustee areas should be designed
March 16	submit waiver form to SBE [ <b>hard deadline</b> ]
March 22	second pre-map hearing at beginning of regular board meeting
March 22- March 29	available to board members for private discussions of maps
March 29	publish at least one map
April 5	first hearing on maps at regular board meeting
April (TBA)	outreach hearing on maps at location convenient to minority communities

April 19	Publish additional map revisions
April 23	Draft ordinance submitted to Brown Act agenda
April 26	third hearing on maps at regular board meeting; deliberation of draft ordinance
May 9-10	State Board of Education meeting on waiver
May 10	Enactment of ordinance attaching map
May 11	Submit ordinance for approval by county committee
May/June	County committee on school district organization conducts approval hearing in West Sacramento [TBA by Yolo CBoE]
July 3	Submit districts to Yolo County registrar of voters [ <b>hard deadline</b> ]
August	Election consolidation ordinance revised to reduce costs [TBA by Yolo BoS]
August 10	Filing deadline for candidates [ <b>hard deadline</b> ]
November 6	First district election

So, this petition offers the District a choice. The Board can proceed along the well-worn path of treating this letter as a “threat of litigation,” which could be self-fulfilling, since I am fully prepared to litigate if the District does not adopt single-member districts before the statutory deadline.\* Alternatively, the can retain me as an advocate for minority voters. In the case, the Board retains all decision-making power. I will even produce mapping alternatives to the specifications of individual Board members. However, this option could reduce the out-of-pocket cost to the District by as much as 75% and will result in a more robust representation of the minority voters.

#### EVIDENCE OF RACIALLY POLARIZED VOTING

Some precincts in the Northern portion of the District have significantly higher-than-average percentages of voters who are Latino. Those are shown to the right of the following graph. These precincts supported one of the successful candidates at significantly higher levels than did the low-Latino precincts. Conversely, the other two candidates (one of whom was successful) had disproportionate support from the low-Latino precincts.

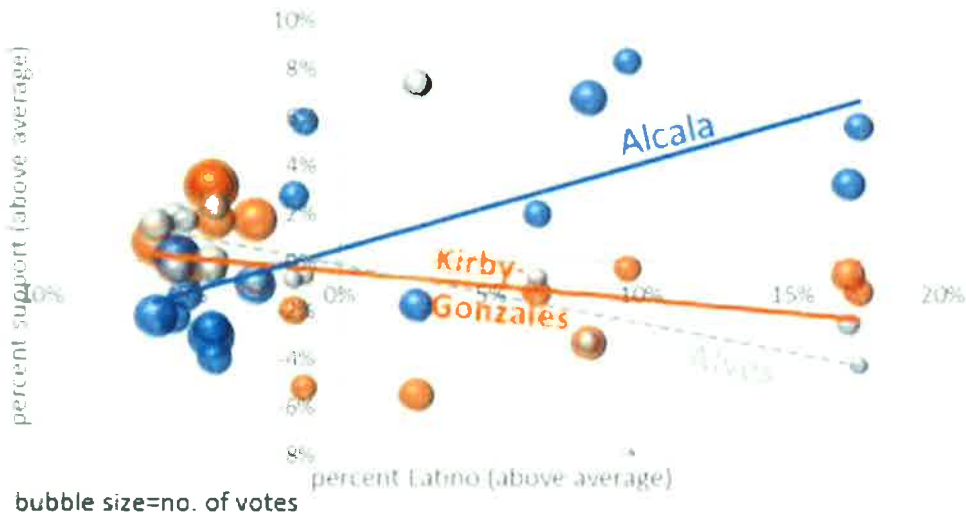
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\* Unlike some practitioners, who often disappear after the initial notice, I have participated in the hearings of other jurisdiction and intent fully to justify my fee claim.



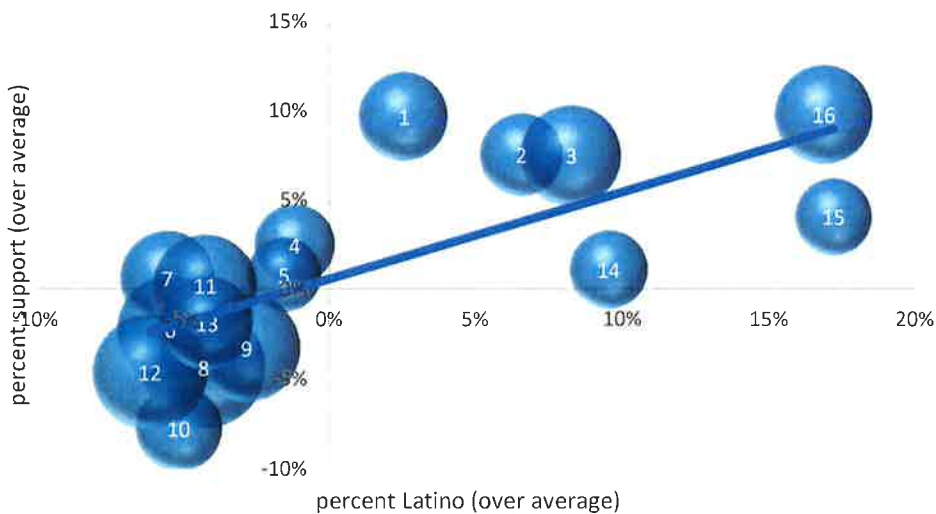
Again, it is inappropriate to personalize the results, because this is not about specific incumbents. It is about the long-term future of the Board's relationship with its constituency. When today's members leave office, it is important that the minority communities have a fully equal opportunity to elect a candidate of their choice.

### 2014 Board Election by precinct



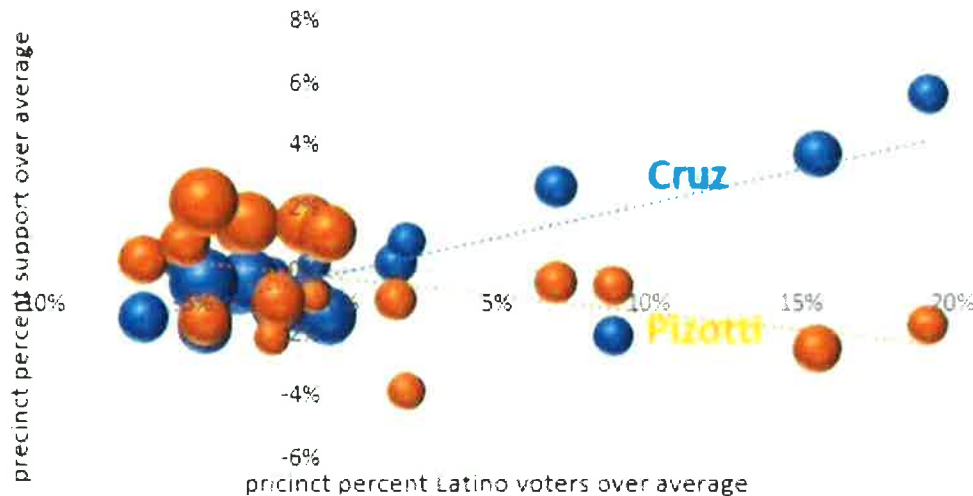
The vote on a revenue question (Measure V), also in 2014, shows a similar pattern. Measure V won by margins of up to 10% higher than the district-wide average in precincts with above-average percentages of Latino voters, while it polled up to 8% below average in the low-Latino precincts.

### Measure V by precinct



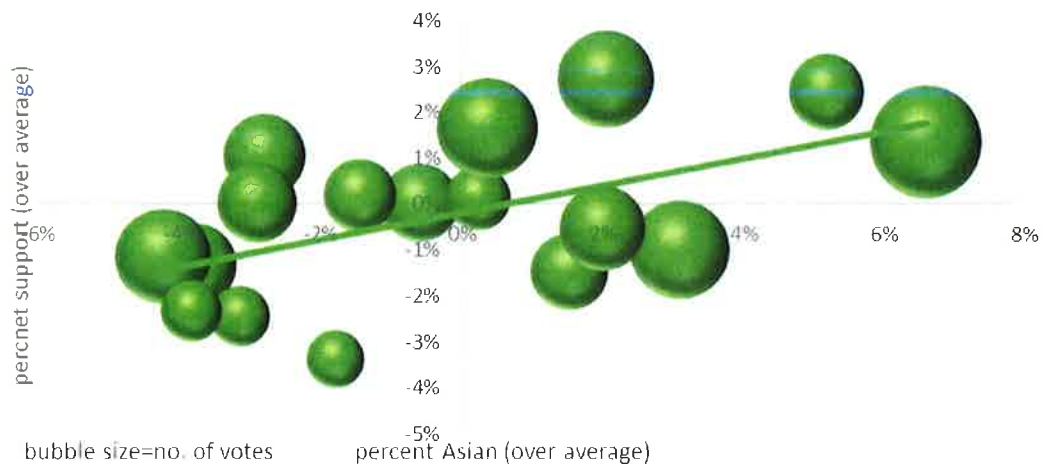
The Latino vote was again polarized in 2016, as shown in this chart of the two successful candidates. Member Cruz performed better in precincts with more Latinos; member Pizotti in precincts with fewer Latinos.

### The 2016 Latino vote was also polarized



Although WUSD has a smaller Asian community, the 2016 race suggests that Asian citizens also vote differently from the general populations. Member Wong carried every district, but her highest percentages came from the precincts with the largest concentrations of Asian voters. While an Asian-influence district may not result from the mapping process, it is possible that the process will enhance the ability of Asians to vote as a bloc on issues of importance to them.

### 2016 Board Election - Wong by Asian precinct percent

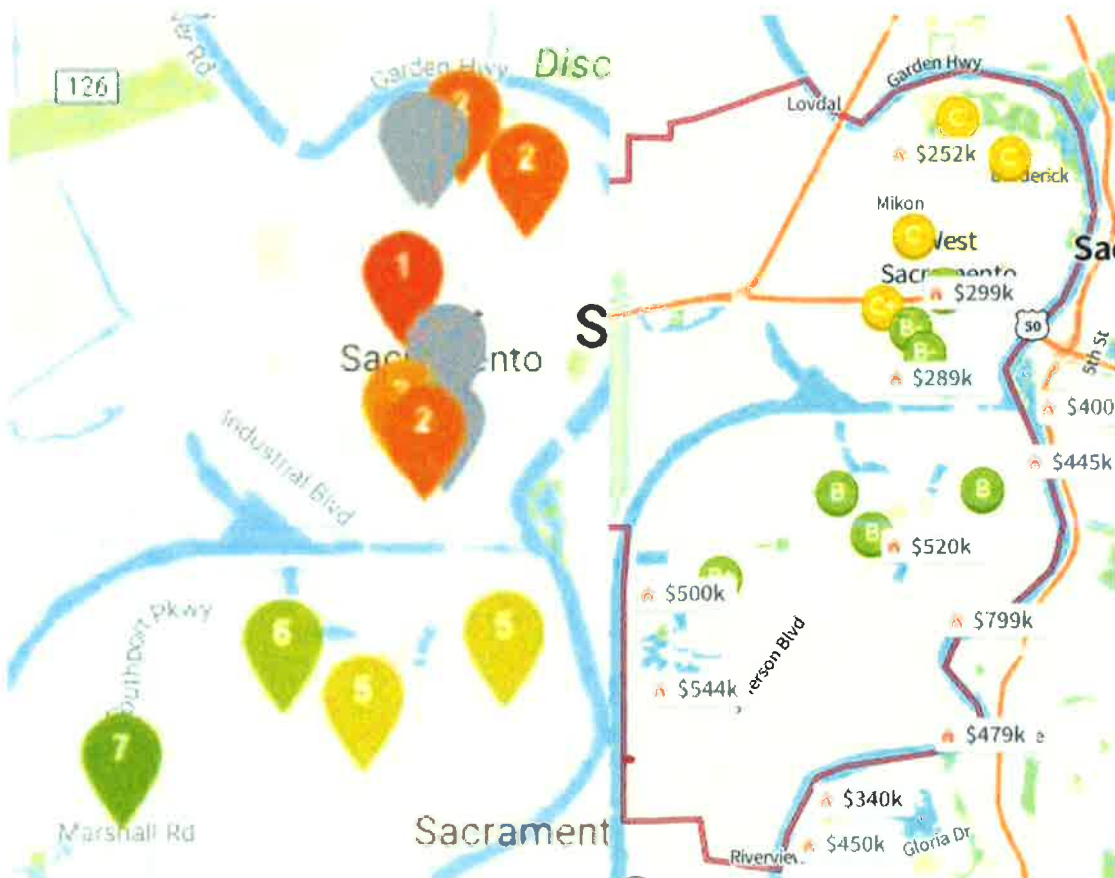


## EVIDENCE OF DISCRIMINATORY EFFECTS ON WEST SACRAMENTO COMMUNITIES

While the exposure to attorneys' fees under the CVRA is significant, the greater legal liability – and moral responsibility – stems from persistent discriminatory effects within the District's educational programs, which have negative external impacts on equality of opportunity in the housing and labor markets that Latino families face in West Sacramento.

Persistent disparities in the perceived quality of schools depresses property values and reinforces residential and socioeconomic segregation. The Deep Water Ship Canal separates the most heavily Latino area of West Sacramento in the North from southern neighborhoods that have a higher percentage of white and Asian households. It also divides two very different categories of schools. The map on the right, produced by Niche.com, shows how highly correlated housing values are with the quality and performance of the nearby schools.

Ratings of Washington Unified Elementary Schools by "Great Schools" and "Niche"



While these private ratings are opaque and may not be fully validated, they are consistent with the many state metrics that show persistent inequities within WUSD.

Since 2014, when all the southern elementary school went into program improvement, children assigned to northern schools have no right to transfer to the less segregated schools in the district.<sup>8</sup>

To demonstrate the inequality between northern and southern schools, I have grouped schools with similar ratings together. Westmore Oaks occupies a statistical middle ground – with fewer English learners than one of the southern schools, but it has the highest suspension rate in the entire district. Almost every measure demonstrates inequality.

#### Performance of Washington Unified Elementary Schools

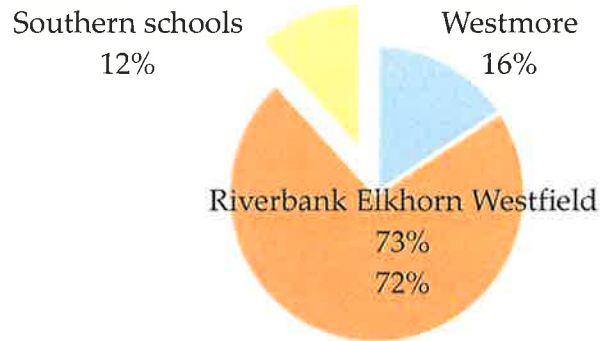
	Demographics			State measures		Suspension	Private ratings	
	Latino	Eng Learn	Disadv	<a href="#">final API</a>	Comb EMS	rates	<a href="#">Great Schools</a>	<a href="#">Niche</a>
<a href="#">Riverbank</a>							2	C
<a href="#">Elkhorn</a>	59-84%	37-49%	87-94%	706-720	53-97	6.9-9.03	2	C
<a href="#">Westfield</a>							1	C
<a href="#">Westmore</a>	48%	16%	81%	807	111	9.6	3	B-
<a href="#">Stonegate</a>							5	B
<a href="#">Southport</a>	20-35%	13-18%	37-55%	783-881	144-193	1.1-1.9	6	B
<a href="#">Bridgeway</a>							7	B+

#### Sources<sup>9</sup>

The “[final API](#)” represents the weighted three-year “academic performance index” for the last report produced in 2013 before the State Board changed its metrics. The district has since closed Yolo High School, which was in the North, but its API was only 437 – 300 points below River City High School, which then served the South. “Comb EMS” represents the sum of the most recent California Alternative Assessment test scores for English Language Arts, Mathematics, and Science at the school-wide level.

The District had acknowledged that prior dashboard measures showed performance inequities for students learning English.<sup>10</sup> Yet these inequities persist, even while the state finds “medium” progress at the District level.<sup>11</sup> Latino students with limited English proficiency are concentrated in the northern schools, while southern school have 65 Russian speakers and 6 Asian languages spoken by at least 10 students.

### 88 Percent of Spanish-Speaking English Learners are in the Northern Schools<sup>12</sup>



Despite the great diversity of languages, all three southern schools have indicated increased progress – two of them by more than 10% - even though they were already at a “very high” level. Progress at three of the four northern schools declined and are at a “low” or “very low” level.

### English Learner Progress – North v. South

Select an Indicator: English Learner Progress Indicator    Reporting Year: 2017 Fall    View Student Groups Five-by-Five Report    View Data Table

LEVEL	Declined Significantly by greater than 10.0%	Declined by 1.5% to 10.0%	Maintained Declined or increased by less than 1.5%	Increased by 1.5% to less than 10.0%	Increased Significantly by 10.0% or greater
	<b>SOUTH</b>				
Very High 85.0% or greater	(None)	(None)	(None)	(None)	• Southside Elementary • Uptonville Elementary
High 75.0% to less than 85.0%	(None)	(None)	• Elkhorn Village Elementary	• Dickinson Island Elementary (East City High)	(None)
Medium 67.0% to less than 75.0%	(None)	(None)	(None)	Washington Unified (District Placement)	(None)
Low 60.0% to less than 67.0%	Westmore Oaks Elementary	• Washington Elementary	(None)	(None)	(None)
Very Low less than 60.0%	(None)	• Westfield Village Elementary	(None)	(None)	(None)
	<b>NORTH</b>				

District wide, English learners have the lowest suspension rates of any student group. The schools at which Spanish is their primary language, however, have not fully supported this good behavior by the resources these students need.

For Latino students across the District, academic indicators are low and some are getting worse.<sup>13</sup> The achievement gap is greatest for Latinos in the northern schools. Academic performance at these high-Latino schools is poor and improving unevenly. For all students in Riverbank, Westmore and Elkhorn, English Language Arts and Mathematics performance is low and declining. Westfield improved, but it had been 114 points behind level three in English Arts and 97 points behind in Math; now, it is

still 89 (English) and 87 points (Math) below level three.<sup>14</sup>

#### BENEFITS FROM DISTRICTING

Generally, single member districts lead to greater accountability and community confidence, which could promote more integrated, publicly-controlled schools. In the case of WUSD, this will enfranchise the northern half of the district, which has substantial minority populations and has, in recent years, only elected one member, the current president. As Chicago Mayor Jane Byrne demonstrated when she moved into the Cabrini Green housing development, communities with persistent social problems may be more effectively represented when elected officials live within them.<sup>15</sup>

In the first election, the districts with the largest minority populations generally choose district members first. Elections Code §10010(b) (sequence must consider purposes of CVRA and preference by members of the districts). Running in the smaller single-trustee areas is less expensive, so it will broaden the range of candidates capable of serving. Voters, especially in the North, will feel more connected to their neighborhood member and the Board as a whole.

Even if there is no racially polarized voting, the public interest may be served by moving from at-large election to districts. Single member districts reduce the cost of elections, both to candidates and to the school board. Districting will substantially reduce the entry costs of running for office. Assuming that the election continues to be staggered, the printing required on ballots and pamphlets will be roughly halved, reducing the registrar's variable fees.

Districting can sometimes force the community to choose among a favorite incumbent and another well-qualified candidate from the same part of the district, when both could have been elected in the at-large system. The transition sequence must give priority to minority areas, but this may have some adverse effects. Once incumbents serve out their terms, new Board members must reside within the trustee area that elects them. Elections Code, Section 22000(f).

#### THE DISTRICTS CAN BE DESIGNED TO ADDRESS LOCAL OBJECTIVES AND PREFERENCES.

The collaborative process is intended to ensure that the remedy is customized to the needs of the WUSD community. The Legislature's preference for single-member districts is strong, so there is no opportunity to dispense with that element. But the boundaries and sequence of the election can be tailored to ensure that the remedy is effective. Some large districts use this occasion to increase the size of the Board, but this may not be necessary here.

The federal Constitution requires that local districts have "substantially" the same population, which is less strict than the "as near as practicable" standard that



applies to congressional districts. Reynolds v. Sims, [377 U.S. 533, 568, 577](#) (1964). Brown v. Thompson, [462 U.S. 835, 842](#) (1983) allowed “minor” deviations of up to 10 percent in local districts for purposes of constitutional review of local districts, but states often set stricter limits. The Education Code, Section 5019.5, specifies a strict standard (“as nearly as may be” equal), but only at decennial reapportionments of school districts. Given the age of census data, less precision may be appropriate, but excess population in the remedial minority districts should be avoided.

Although no statute specifically sets forth additional criteria for establishing trustee areas within a school district, it is generally understood that they should reflect the “traditional” factors codified for other units of local government: topography; geography; cohesiveness, contiguity, integrity, and compactness of territory; and community of interest. Education Code, Section 1002 (county board); Elections Code, Section 21500 (supervisory districts); Section 21601 (general law cities); Section 21620 (charter cities); Section 22000(a) (special districts); Education Code, Section 1002 (county board); Government Code, Section 34884(a)(1) [A.B. 278 (2016)] (new cities); Section 61025(d) (service district). The mapping of districts, the sequence in which district members are elected, and other procedural changes cannot have the effect of diminishing the ability of citizens of a race, color or language minority group to elect the candidates of their choice. [52 U.S.C. §10304\(b\)](#).

Many school districts view the attendance zones of each school as a community of interest.<sup>16</sup> However, some small districts deliberately split each school between two members, so that every school has parents who are direct constituents of two members on the Board. Such a practice needs to be evaluated in light of the needs and views of the minority community and the possibility that it will diminish or increase minority vote dilution.

In the case of municipalities, special districts and community college districts, the Legislature has codified provisions that dispense with voter approval where a school board adopts a resolution changing from at-large to district elections in order to comply with the CVRA. Elections Code, Section 10650 (special districts); Government Code, Section 34886 (cities); Education Code, Section 72036 (community college district). However, no such provision dispenses with the need for voter approval when creating trustee areas or changing the number of trustees. It is still necessary for school boards to obtain approval from the county committee under Education Code, Section 5019(a) or 5020(d). This triggers a call for an election. However, the State Board of Education has implemented a policy of granting waivers to the requirement that districting for purposes of complying with the CVRA be submitted to the voters for approval. See Education Code, Section 33050. Without the waiver, there can be a complex situation. Education Code, Section 5021(a) requires the county committee to establish the

sequence of staggered elections by lot, which is not consistent with [Election Code, Section 10100\(b\)](#), which empowers the Board to determine the sequence. Furthermore, if the voters reject district elections, the District is automatically liable to litigation under the CVRA, which will almost certainly lead to a court-designed remedy. For example, the City of Highland (pop. 53,104) responded to the threat of a CVRA action by spending \$30,000 to [refer the issue to the voters](#), who rejected it by 57%.<sup>17</sup> The judge adopted the plaintiff's map and awarded attorneys fees. See "Bad law," *supra*, at 15. Even if the Board has reservations about district elections, it needs to obtain the waiver by March 16 to avoid a situation that will be costly and unproductive for the District.

## CONCLUSION

District elections will not be a panacea, nor will they immediately improve academic scores to the degree that students deserve. But it will almost certainly engage communities that have been remote from the governance of the District, leading to more creative and effective approaches to the challenges that the District faces. The collaborative approach will save considerable costs during the transition and reduce recurring elections costs almost by half.<sup>†</sup> Voting for a neighborhood school board member should improve political participation by minority voters in all West Sacramento elections.

Sincerely,



Scott J. Rafferty

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<sup>†</sup> Even if it has reservations about district elections, the Board should authorize the Superintendent to seek a waiver of the ballot question requirement.



## ENDNOTES

<sup>1</sup> [Elections Code, Section 14026\(e\)](#): “a difference ... in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.”

<sup>2</sup> This section and [Education Code, Section 5021\(a\)](#) provide that the right of incumbents to continue in office must be “approved by a majority of the voters voting at the election.” In the context of resolutions adopted in response to a demand letter, the State Board has granted waivers of this election requirement. See, e.g., <https://www.cde.ca.gov/be/ag/ag/yr17/documents/jan17w08.doc>. In the event of actual litigation under the CVRA, however, a court may have authority to order a remedy that could displace incumbents.

<sup>3</sup> <https://www.dublin.k12.ca.us/cms/lib/CA01001424/Centricity/Domain/1/Shenkman%20Letter%20re%20CVRA.pdf>

<sup>4</sup> <https://martinez-ca.schoolloop.com/cvra>

<sup>5</sup> <https://www.cacities.org/Top/News/News-Articles/2016/September/Voting-Rights-Legislative-Package-Aimed-at-Curbin#sthash.FzWwQz21.dpuf>

<sup>6</sup> <http://www.cityofmartinez.org/civicax/filebank/blobdload.aspx?BlobID=16602#page=3>

<sup>7</sup> <https://www.bbklaw.com/getmedia/ebbb4216-79c3-4d1f-8d2a-4d532fb23747/The-California-Voting-Rights-Act-What-To-Do-When-Your-Agency-Gets-a-Letter>

<sup>8</sup> <http://www.wusd.k12.ca.us/Departments/Education-Services/Planning-Accountability--Compensatory-Education/NCLB-School-Choice/>

<sup>9</sup> Sources:

<http://westmore.wusd.k12.ca.us/file/1287819024137/6671892245192368313.pdf>

<http://stonegate-wusd-ca.schoolloop.com/file/1287819024066/1288687181803/1236374040165319764.pdf>

<http://westfield-wusd-ca.schoolloop.com/file/1470119520740/4025468729011535939.pdf>

<https://southport-wusd-ca.schoolloop.com/file/1287819024045/5724752314111232014.pdf>

<http://bridgeway-wusd-ca.schoolloop.com/file/1486196042449/65650828184224387391488323602438.pdf>

<https://www.greatschools.org/california/west-sacramento/washington-unified-school-district/>

<https://www.niche.com/k12/d/washington-unified-school-district-west-sacramento-ca/>

<sup>10</sup> [https://issuu.com/news\\_review/docs/dash\\_020918](https://issuu.com/news_review/docs/dash_020918)

<sup>11</sup> <https://www.caschooldashboard.org/#/ReportDetail/57726940000000/3/3>

<sup>12</sup> <http://www.wusd.k12.ca.us/documents/Departments/Education%20Services/Planning-Accountability-Compensatory%20Education/English%20Learners/EL%20FEP%20Lang%20census%20October%20%202017.pdf>

<sup>13</sup>

<https://www6.cde.ca.gov/californiamodel/grid?indicator=math&year=2017f&cdcode=5772694&scode=&reporttype=srgroups>

<sup>14</sup>

<https://www6.cde.ca.gov/californiamodel/grid?indicator=ela&year=2017f&cdcode=5772694&scode=&reporttype=schools>

<sup>15</sup> Marriott, “Welcoming the Mayor to Hell,” <https://www.headstuff.org/history/cabrini-green-mayor-jane-byrne/> <https://www.npr.org/2014/08/30/344477127/when-the-mayor-moved-to-the-cabrini-green-projects>

<sup>16</sup> In the context of legislative reapportionment, the California Constitution, XXI, §2(d)(4) defines “community of interest” as

a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

<sup>17</sup> <https://www.redlandsdailyfacts.com/2014/10/12/city-councils-vulnerable-to-being-forced-to-use-districts/>