

**Visalia Unified School District  
Board of Education  
MINUTES**

**OPENING BUSINESS** The May 31, 2011 Continued Public Hearing was called to order at 5:30 p.m. by President Bill Fulmer in the Board Room at the VUSD Educational Office Complex, 5000 West Cypress Avenue, Visalia. A quorum of the Board was present.

<b>ATTENDANCE</b>		<u>Arrive</u>	<u>Leave</u>	<u>Absent</u>
	Tim Chaney	5:30	7:40	
	Rodney Elder	5:30	7:40	
	William A. Fulmer	5:30	7:40	
	Larry Jones	5:30	7:40	
	Donna Martin	5:30	7:40	
	Jim L. Qualls	5:30	7:40	
	Charles Ulmschneider	5:30	7:40	
	Dr. Craig Wheaton, Superintendent	5:30	7:40	

Staff Members Robert Gröeber, Assistant Superintendent, Administrative Services  
Cindi Costa, Assistant Superintendent, Human Resources Development  
Pam Ryan, Administrative Assistant, Superintendent’s Office

**CLOSED SESSION** President Fulmer identified the closed session topics listed below and called for public comment on the closed session items. There was no public comment. The Board adjourned to closed session.

2.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
(Government Code Section 54956.9(b) – Significant Exposure to Litigation:  
One potential case

**CONTINUED PUBLIC HEARING** The Board reconvened the Public Hearing of May 24, 2011 at 6:00 p.m. President Fulmer announced that no action was taken in closed session. Tim Chaney led the Pledge of Allegiance.

**GENERAL PUBLIC COMMENT** There was no general public comment at this time.

**PUBLIC COMMENT/  
PUBLIC INTEREST  
ANNOUNCEMENTS/  
STATUS REPORTS/  
ACTION** (as applicable)

**BY-TRUSTEE AREA ELECTION PUBLIC** Robert Gröeber, Assistant Superintendent-Administrative Services, summarized where the By-Trustee Area Election Boundary process is to date, including review of the three

HEARING  
CONTINUED FROM  
MAY 24, 2011  
BOARD MEETING

original proposed Plans A, B, and C; the plans that were drawn up in response to public comment-Plans D, E and F; and the two most recent Plans G and H. (Encl. No. 1)

The district's attorney and district staff recommended the Board's adoption of Plan E for these reasons:

- Creates one solid majority Hispanic Citizens Voting Age Population (CVAP) Trustee Area – more solid than in Plans A-C
- One solid majority registered voter area
- One solid voter turnout area
- Plan D and G - two majority Hispanic CVAP Trustee Areas are tenuous
- Plan E is not vulnerable to challenge as a racial gerrymander unlike Plan D, F, G, and H
- Plan F violates constitutional equal population requirements
- Honors 20 of the 24 elementary school boundaries - makes the most sense for the district
- Moves Highland Elementary School into Area D – public comment request

President Fulmer opened the Public Hearing.

**PUBLIC COMMENT** Public Comment

Robert Quiroz – distributed a handout with his figures for Hispanic population percentages for Plan D, E, G, and H. He stated that he was the person who designed Plans G and H; and that if the Board adopts Plan E, it would put the district at risk of potential litigation. He recommended that the Board adopt Plan G.

Robert Montion – stated that in his personal option, a case can be made for white gerrymandering in Plan E. He recommended that the Board adopt Plan G.

Erma Montion – stated that, when looking at the Board from the audience, it does not reflect the Visalia community; Hispanic voter turnout is low because they think their vote does not count. She asked for the Board to be fair and for the Hispanic community to have a chance to be heard.

Carol Clarke – VUSD teacher and the representative for VUTA on the Boundary Committee, has spent the last two years working on trying to find the best possible path for representing all members of the Visalia community equitably, fairly, and powerfully. She called attention to looking at the raw data of a majority of Hispanics in an area; while they are not all of voting age now, they will be in the future.

Glenn Morris – 220 North Sante Fe – also served on the Boundary Committee representing the business community. Stated the committee preferred to use elementary schools as boundaries as much as possible to protect existing neighborhoods. What he sees as needed are people who are preparing themselves, learning the issues, and stepping forward as candidates to be leaders. In the past, the Chamber has run candidate prep courses that individuals can participate in. The issues that the Board faces on a day-to-day basis are not racial by nature but primarily financial to make sure the money is spent well and is limited by Sacramento.

Robert Quiroz – when he created Plan G, he did not consider the school attendance zones but based Plan G upon a group of people who share a common culture, a common heritage, and sometimes a common language. In this case, minority representation superseded any desire to keep school attendance zones in line if they disenfranchised a minority community.

Russ Hanson – was on the Boundary Committee and supported two slightly majority Hispanic areas rather than one guaranteed area. It is valuable for Hispanic students and parents to see an Hispanic Board member representing them.

Raul Gonzalez – sits on the Hispanic Community Advisory Committee, is a VUSD teacher, and CTA Minority-at-Large member representing all the ethnic minority teachers in Kings and Tulare Counties. Supported a Board and teachers that represent the population that it serves, not only for Hispanic advocacy but for role models.

Robert Montion – supported two Hispanic slightly majority areas instead of the one majority Hispanic area.

Robert Quiroz – stated that the Voting Rights Act is about giving the Hispanic community a voice, an opportunity to elect the preferred candidates of their choice. Two is always better than one.

Richard Rodriguez – sat on the Boundary Committee. There were people in this room that were on the committee but never showed up. If they had attended, we may not be here today. Leaned toward the two Hispanic majority areas.

Juan Guerrero – clarified that the district and Board have been working on this for three years when the city charter was first reviewed. This Board had the courage to look at the city charter, to step up and make changes, to request a Waiver, to request more information, to talk to attorneys and to Superintendent Carrizosa about the issue. Requested that the Board look seriously at two Hispanic majority areas and keep the money in the district for our kids.

### **Board Comment**

Charles Ulmschneider – Hispanic is not a race. It is an ethnicity based on speaking Spanish. There are black Hispanics. He just became aware of the new plan that was put together quickly. The staff recommendation of Plan E validates the long process with many people involved. Plan G does not validate that long process with input from so many people. It has been shown in the past that an Hispanic candidate can be voted in as a Board Trustee even in a non-Hispanic area. The process is not perfect, but it is time to get it done.

Rodney Elder – keeps hearing that they want an Hispanic to represent them on the Board, that is assuming that the person with an Hispanic surname would represent them. They may have different interests or values in place. He said there could be three Hispanic Board members and that would be fine with him. Not all of the people's interests in

Ivanhoe are the same as those in Goshen. Just because he is white does not mean that every white person represents him. Plan G is marginal and Plan E gives one solid Hispanic area.

Donna Martin – requested information from Attorney Skinnell on the differences in equity between Plan E and Plan G.

Attorney Chris Skinnell – stated that he is not a demographer. He does not believe that the Voting Rights Act requires the adoption of Plan G. That permits the consideration of other criteria that makes sense for the district and for drawing up trustee areas such as attendance areas.

Tim Chaney – appreciated the fact that the Board took an extra week to continue the public hearing to hear concerns. He grew up poor and attended predominately Hispanic and Indian schools in Porterville. He believes it is important to keep the elementary districts in place.

Tim Chaney moved to adopt Plan G. There was no second to the motion. Motion failed due to lack of a second.

Charles Ulmschneider moved to adopt Plan B. There was no second to the motion. Motion failed due to lack of a second.

Jim Qualls moved to adopted Plan E. Larry Jones seconded the motion. Ayes: Elder, Fulmer, Jones, Martin, Qualls, and Ulmschneider. Noes: Chaney. Motion carried.

**ADJOURNMENT**

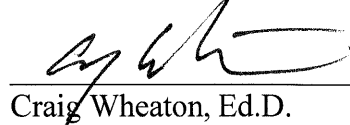
The meeting was adjourned at 7:40 p.m.

**NEXT MEETING**

The next regularly scheduled Board meeting will be held on Tuesday, June 14, 2011, at 5:30 p.m. in the Board Room at the VUSD Educational Complex located at 5000 West Cypress Avenue, Visalia (unless otherwise posted).

Respectfully submitted,

  
Rodney Elder  
Clerk

  
Craig Wheaton, Ed.D.  
Superintendent