

School districts struggle to comply with Voters Rights Act

By Kathryn Reed

Lake Tahoe Unified School District may be in violation of the California Voters Rights Act based on how board members are elected.

While the CVRA was enacted in 2002, the 2010 Census is forcing all elected bodies to look at how people get into office and if constituents are fairly represented. The federal Voting Rights Act also plays a role.



Lake Tahoe Unified School District board members are expected to discuss the issue Feb. 14. LTUSD first broached the subject in January 2011. It's expected to be an agenda item several times this year for LTUSD and Lake Tahoe Community College as they work through the process before their next board elections in 2013.

Lake Tahoe Community College board discussed the issue in October and December.

"The first step would be for the board to determine if it is in the best interest of the district to conduct a study to ensure compliance with the California and federal Voting Rights Acts," Angie Keil, spokeswoman for LTUSD, wrote in an email to *Lake Tahoe News*.

Public hearings and approval from the county office of education are also required.

Earlier this month in a letter from attorney David Girard to El Dorado County Office of Education Superintendent Vicki

Barber it says LTUSD is at-risk of violating the CVRA.

LTUSD had district elections when it first formed in 1950 until the mid-1960s. Each of the five board members represented a district. For history buffs, here is a list of LTUSD board members through the years.

South Lake Tahoe staff is aware of the CVRA, but the council has not discussed the issue in open or closed session.

“They have to make the argument we have a racially polarized electorate. I don’t believe our town is racially polarized,” Nancy Kerry, spokeswoman for South Lake Tahoe, told *Lake Tahoe News*.

Changing from at-large elections to district could have the unintended consequence of creating polarization.

To date, no complaints have been filed with the city, LTUSD or LTCC regarding representation to their boards.

“When you go to area elections in a small community like ours, sometimes you can’t get people to run. You are diluting down the voting base to an even smaller voting base. That is a concern for me,” LTCC President Kindred Murillo told *Lake Tahoe News*.

As it stands now for LTCC, LTUSD and South Lake Tahoe, the five members of each board could live on the same street. Everyone in the respective jurisdictions votes for all five electeds.

Changing to district elections would mean dividing the jurisdictions into five areas and one person would be elected from each area.

With LTUSD being further along in the study process, LTCC may be able to piggyback on the research the K-12 district has done and might do. Otherwise, it could cost LTCC \$35,000 to conduct a study to determine if it should change how board

members are elected.

“The board wants to make sure we are not creating racial polarization. We want to make sure everyone has a voice per the California Voting Rights Act,” Murillo said.

Besides wanting to do the right thing, districts also don’t want to be sued. CVRA lawsuits have cost school districts hundreds of thousands of dollars. Madera Unified’s bill was \$1.2 million.

Some have equated the people going after the schools to the man who goes around suing businesses for questionable ADA violations. In other words, it’s about attorneys making a buck and not the greater good of the public.

If an entity is sued under the CVRA, successful plaintiffs can recover all legal costs.

“In order to be successful, the plaintiffs must only prove that racially polarized voting exists and that the subgroup could influence elections under a different system,” Redistricting Partners of Sacramento said in its analysis that was presented to the LTCC board in December.

Paul Mitchell with Redistricting Partners at the Dec. 13 meeting told the board, “It’s not clear you have racially polarized voting.”

He said of the college district’s population of 29,839, 25 percent are Latino and 63 percent are non-Hispanic white. The bulk of the Latinos live in a concentrated area. That could be the problem under the CVRA.

With about 90 percent of districts in California having at-large elections – like LTUSD and LTCC – many could be vulnerable to a lawsuit.

In Douglas County, the school board was presented with three redistricting options at its meeting this month. It was agreed

the structure now in place that gives Lake Tahoe a representative to the seven-member board would remain. The board member has to live in the area she or he represents.

“There was some discussion if trends don’t shift, this may be the last time the board can justify an exclusive lake zone,” Superintendent Lisa Noonan told *Lake Tahoe News*.