



SAUSALITO MARIN CITY SCHOOL DISTRICT

Board of Trustees: Ida Green - President, Debra Turner - Vice President, Bonnie Hough - Clerk, Joshua Barrow,
Caroline Van Alst
Interim Superintendent: Terena Mares

**Sausalito Marin City School District
Agenda for the Special Meeting of the Board of Trustees
Bayside Martin Luther King Jr. Academy
200 Phillips Drive, Marin City, CA 94965**

Tuesday, December 18, 2018

8:00 a.m. Open Session – Bayside Martin Luther King Jr. Academy Library

1. OPEN SESSION – Call to Order

2. PLEDGE OF ALLEGIANCE

3. AGENDA REORGANIZATION/APPROVAL

Are there any requests from the Board to move any agenda item to a different location?

4. ORAL COMMUNICATIONS

Because the Board has a responsibility to conduct district business in an orderly and efficient way, the following procedures shall regulate public presentations to the Board. The Board is asking that members of the public wishing to speak fill out a form located on the counter/table, stating their name and address; the agenda item; and the topic to be discussed.

The Governing Board is prohibited from taking any action on any item raised in this section unless the item is specifically agenzied. Members of the Governing Board may ask a question for clarification, provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting on any matter or take action directing staff to place a matter of business on a future agenda. Governing Board members may make brief announcements or briefly report on his/her own activities as they related to school business.

State open meeting laws allow members of the public to lodge public criticism of District policies, procedures, programs, or services. However, those same laws include specific provisions designed to protect the liberty and reputational interests of public employees by providing for the non-public hearing of complaints or charges against employees of the District. Under these laws, it is the employee subject to complaints or charges who is provided the right to choose whether those complaints or charges will be heard in open or closed session. It is therefore the desire of the Sausalito Marin City School District that complaints against an employee be put in writing, and that when the Board hears complaints or charges against an employee it do so in closed session unless the employee requests an open session. Consistent with the law and the opinion of the State Attorney General's Office, please submit any complaints against an employee in writing, to the administration, in accordance with the district's complaint procedure. This procedure is designed to allow the District to address complaints against employees while at the same time respecting their legitimate privacy rights and expectations.

5. CORRESPONDENCE

5.01 Letter from the Office of California Attorney General in the Matter of the Investigation of Sausalito Marin City School District

5.02 Willow Creek Academy Letter re: 12.11.18 California Attorney General Letter

6. ACTION ITEMS

6.01 Consider Approval of Addendum to the Interim Superintendent Services Contract

6.02 Response to the California Attorney General's Request to Meet with the District on December 21, 2018

6.03 Consider Assignment of Legal Counsel in the Matter of the Investigation of Sausalito Marin City School District

7. ADJOURNMENT

XAVIER BECERRA
Attorney General



State of California
DEPARTMENT OF JUSTICE

300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 90013

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Telephone: (213) 269-6402
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December 11, 2018

Elizabeth Mori
Sausalito Marin City School District
200 Phillips Drive
Marin City, CA 94965

RE: In the Matter of the Investigation of Sausalito Marin City School District

Dear Ms. Mori:

I write regarding the California Department of Justice's investigation of Sausalito Marin City School District ("District"). Following a comprehensive investigation, our office has determined that the District violated and has continued to violate the California Constitution and anti-discrimination laws with respect to the establishment and operation of Bayside-Martin Luther King, Jr. Academy ("Bayside MLK Academy").

The California Constitution places the duty on the Attorney General of ensuring that California's laws are adequately enforced. (Cal. Const. art. V, § 13.) This includes ensuring that school districts comply with all relevant constitutional and statutory provisions guaranteeing equal protection of the laws and equal access to education. The California Constitution's equal protection clause sets forth an affirmative obligation that all California public school districts take reasonably feasible steps to alleviate segregation within their schools, regardless of the cause of segregation. (Cal. Const., art. I, § 7; *McKinny v. Oxnard Union High Sch. Dist. Bd. of Trs.* (1982) 31 Cal.3d 79, 91-93.) Local government actions intended to have a racially discriminatory impact, such as the intentional establishment of a segregated school, violate the United States Constitution's equal protection clause. (U.S. Const., amend. XIV, § 1; *Columbus Bd. of Ed. v. Penick* (1979) 443 U.S. 449, 455-59.) Furthermore, racial discrimination in the allocation of state-funded education resources is prohibited by California law. (Gov. Code § 11135 *et seq.* & Educ. Code § 200 *et seq.*)

Our office has concluded that Bayside MLK Academy is presently a racially segregated school, and that the District possesses the facilities and resources to operate a non-segregated school. The evidence gathered during our investigation demonstrates that the District established Bayside MLK Academy with the knowledge that it would likely be racially segregated, and Bayside MLK Academy has been maintained as a racially segregated school. Moreover, the evidence shows that Bayside MLK Academy was established with the intent that it would serve a majority non-White community and it would generally not serve the majority White City of

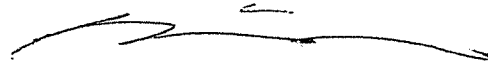
December 11, 2018

Page 2

Sausalito. Following its establishment, the District has not provided critical education resources to students at the majority Black Bayside MLK Academy comparable to those provided to students at the plurality White Willow Creek Academy. Despite evidence-based concerns raised by the District's former officers, former administrators, independent consultants, and the District's community, including on-the-record statements made in open sessions of the District's Board of Trustees both before and after the establishment of Bayside MLK Academy, the District has failed to take meaningful steps to eliminate racial segregation.

Our office would like to meet with the District after the Board's organizational meeting on December 13, 2018 to discuss the steps we will be requiring the District to take to remedy the segregated and discriminatory conditions described above and to implement a lasting solution that ensures equitable education opportunities for all students in the District. Accordingly, we request that you provide the Board immediate notice of our letter and take the steps necessary to obtain the authorization required to meet with us as soon as possible. Our office believes that the meeting would be most productive if the District was represented by counsel, its superintendent, and one or two trustees during our meeting. Please contact the undersigned as soon as possible, on or before December 19, with times available for a meeting on December 21, 2018.

Sincerely,



GARRETT M. LINDSEY
Deputy Attorney General

For XAVIER BECERRA
Attorney General

GML:

LA2016602258

Dear Sausalito Marin City School District Board:

I wanted to follow up regarding the letter of December 11, 2018, from the Office of the California Attorney General ("AG") to counsel for the Sausalito Marin City School District. For the reasons explained below, we request the opportunity to participate in discussions about the substance of that letter -- including the basis for its conclusions and any suggested remedies.

After two years of uncertainty, it is good to have an outcome in the AG's investigation. The AG reached two conclusions: the first is that Bayside MLK Academy, with ~110 students, is run as a segregated school and was designed as such. While I cannot speak to the intentions of the Board or Superintendent from 5 years ago, nor those of the current Board members, I doubt the current or prior boards intended to segregate students, especially since both Bayside Elementary School and MLK Academy were segregated schools long before they merged. Regardless, the AG is correct that Bayside MLK is currently a segregated school. He is also correct that this is a serious problem that can and should be remedied as soon as possible. I have always argued as such -- in fact, that's one reason I have repeatedly advocated to explore a merger of our two schools.

The AG's desire for desegregation aligns directly with the core mission of Willow Creek Academy. We believe equal education is a social justice issue, and 75% of families in Sausalito and Marin City have chosen the integrated and inclusive culture of Willow Creek. Like Bayside MLK, Willow Creek Academy is a majority minority school serving large proportions of low-income students and English Learners. The largest public school in the District, with ~410 students, Willow Creek has grown into the most diverse school in southern Marin, with 59% of its students being Black, Hispanic, Asian, and other children of color. Given the District population is ~75% white according to census data, that is true diversity.

Willow Creek also educates the majority of children living in Marin City as well as the majority of low-income students and English Learner students in the district. The school has brought most of the Marin City and Sausalito school community together, and I think that we can be a bigger part of that solution. As such, we agree with the AG that the District has the resources to solve the segregation issues. In fact we have advocated for working together, offering to collaborate across schools and even integrate into a single school.

While I agree that there is a need to end the segregation, I am troubled by the AG's description of their second conclusion regarding the relative resource allocation at Bayside/MLK and Willow Creek Academy. First, I found their description of Willow Creek Academy as "plurality White" to be misleading at best given our predominantly minority school population. Further, while Bayside MLK enrollment is approximately 50.4% African American, referring to it as "majority Black Bayside MLK" fails to describe the 49.6% of students from other races. More importantly, these labels ignore the needs of hundreds of other students of color at both schools.

With these labels, the AG's conclusion as written has oversimplified the situation to a "black-white" story, missing the core issue of inefficient use of resources that has plagued our District's traditional public schools for decades. I agree that the District has not appropriately managed the resources to support the education of Bayside/MLK students, and lately the leadership has taken steps to solve this. But it is very important to note that Willow Creek is not the culprit. The District currently spends about \$4M per year on Bayside MLK, with ~110 students, and provides about \$4M to Willow Creek, with ~410 students. Willow Creek also receives about \$300,000 from WCA Foundation contributions, as well as about \$175,000 in revenue from meals and

after-school programs for children who do not qualify for free or reduced price meals. That means Willow Creek receives just under ¼ the funding per student, while educating most of the District's low-income and English learner students. Blaming one school in order to explain the other's failure needs to end. In order to solve the real problems, we need to look at the real problems. Neither the AG nor the District should target Willow Creek's limited resources, nor should the majority of our public school students suffer the consequences of a simplified story.

In any case, we ask that the AG and the District bring Willow Creek into the conversation so that we can collaborate to meet our joint goal, well stated by the AG, "to implement a lasting solution that ensures equitable education opportunities for all students in the District."

Thank you for considering this request.

Kurt Weinsheimer
Willow Creek Academy Board President

Please Note: I did not include Interim Superintendent Mares on this email, as her contract restricts her from engaging in this matter due to the community's and MCOE's concerns over a potential conflict of interest due to her dual roles at the District and County levels.

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Kurt Weinsheimer