

**MORGAN HILL UNIFIED SCHOOL DISTRICT  
MORGAN HILL, CALIFORNIA  
RESOLUTION**

RESOLUTION OF THE SCHOOL BOARD OF THE MORGAN HILL UNIFIED  
SCHOOL DISTRICT IN OPPOSITION OF THE TRANSFER OF TERRITORY  
FROM THE MORGAN HILL UNIFIED SCHOOL DISTRICT TO THE SAN JOSE  
UNIFIED SCHOOL DISTRICT

**WHEREAS**, the Santa Clara County Committee on School District Organization (“County Committee”) has received a formal petition from the owner (“Petitioner”) of one (1) parcel (APN: 742-01-039) located in the Morgan Hill Unified School District (“District”) requesting the parcel be transferred to San Jose Unified School District; and

**WHEREAS**, California Education Code Section 35700 stipulates that an action to reorganize one or more districts is initiated upon the filing with the County Superintendent of Schools, of a petition signed by the owners of the territory proposed to be reorganized, or by a majority of the members of the governing boards of each of the districts that would be affected by the proposed reorganization; and

**WHEREAS**, the petition is under the jurisdiction of the Santa Clara County Superintendent of Schools who has found it to be sufficient and signed as required by law; and

**WHEREAS**, California Education Code Section 35709 stipulates that the County Committee may grant the petition if the conditions enumerated in Education Code Section 35753 are substantially met and the petition is to transfer inhabited territory of less than 10 percent of the assessed valuation of the district from which the territory is being transferred and all of the governing boards have consented to the transfer; and

**WHEREAS**, in matters of proposed transfer of territory, the Board of Education not only considers the potential impact on those students affected directly but on all current and future students residing within the District; and

**WHEREAS**, this Petition is one in a long line of similar proposals to alter the historic boundaries between these two districts, each of which would have eroded the territory of the District, and none of which has ever added new or returned previous territory to the District; and

**WHEREAS**, the Petition presents no compelling circumstances for a transfer other than what inevitably occurs on or near a school district boundary; and

**WHEREAS**, if approved by the County Committee, the Petition will set a precedent for future requests from residents of San Jose based on proximity to the Districts’ boundaries, leading to the incremental erosion of established boundaries,

creating a serious problem not only for the District, but for any other school district in the County of Santa Clara around the edges of its borders; and

**WHEREAS**, the District seeks to maintain both the integrity of its boundaries and consistency in reviewing petitions for transfer of territory; and

**WHEREAS**, Education Code Section 35709 provides the discretion, but does not mandate that a County Committee grant a petition if the conditions enumerated in Education Code Section 35733 are substantially met; and

**WHEREAS**, the Board of Education of Morgan Hill Unified School District now wishes to formally oppose the Petition and the transfer of the parcel from Morgan Hill Unified School District to San Jose Unified School District; and

**WHEREAS**, when only a small number of students are potentially impacted inter-district transfers are a more appropriate solution for this situation rather than a wholesale territory transfer; and

**NOW, THEREFORE, BE IT RESOLVED** that, by a vote of the majority of the members, the Governing Board of the Morgan Hill Unified School District declares as follows:

1. The foregoing recitals are true and correct.
2. The Board of Education desires to maintain the integrity of its boundaries over the long term, and opposes any action by the County Committee that will set a precedent permitting residents living on the edges of the District to, in the absence of exceptional circumstances, choose their resident school district for reasons that are the result of residing on the boundary between two school districts. The Petition does not evidence any such exceptional circumstances.
3. In accordance with the California Department of Education's "*District Organization Handbook*" the conditions in Education Code Section 35753 constitute a minimum threshold which must be met before the County Committee is vested with discretion to act, but there is no mandate that the County Committee must approve a territory transfer when such conditions have been met. Every small petition to transfer territory may meet the minimum criteria established in the Education Code, while successive territory transfers from Morgan Hill Unified to neighboring districts would negatively affect the District, and other similarity situation schools district, over time, as a result of these cumulative impacts.

4. The Board of Education opposes the Petition even if the County Committee determines the criteria have been met and respectfully requests that the County Committee exercise its discretion to disapprove the Petition.

**PASSED AND ADOPTED** by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a regular meeting held on November 17, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: November 17, 2020

SIGNED: \_\_\_\_\_  
Carol Ann Gittens, President  
Board of Education

I, Steve Betando, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at the regular meeting on November 17, 2020, which resolution is on file in the office of said Board.

DATED: November 17, 2020

SIGNED: \_\_\_\_\_  
Steve Betando, Secretary  
Board of Education