


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 12, 2024

TO: Honorable Members of the City Council

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No. 22-1196-S1
Assignment No. 23-11-0612

SUBJECT: LAUSD Independent Redistricting Charter Reform

SUMMARY

Motion (Raman, Krekorian - Martinez), as amended by Motion (Raman - O'Farrell) (C.F. 21-1472), among other actions, instructs the Chief Legislative Analyst (CLA), with assistance from the City Attorney and other City departments, as needed, to report with options for a ballot measure to be prepared for an election in 2024 or sooner to amend the City Charter to create Independent Redistricting Commissions (IRCs) for the City and the Los Angeles Unified School District (LAUSD) (LAUSD Commission). The Motion included an extensive list of components that would govern an independent redistricting process, and directed that best practices for these components be identified. The Motion was adopted in October 2022.

On March 20, 2023, the CLA released a report in response to Motion, addressing the wide ranging issues required to establish and operate an IRC, as well as options associated with changing the number of Council Districts in the City. The Ad Hoc Committee on City Governance Reform (Ad Hoc Committee) then held eight meetings and hearings, including hearings in South Los Angeles, West Los Angeles, and the San Fernando Valley, to discuss the CLA report and to obtain input from interested organizations and the general public. The Ad Hoc Committee then instructed the CLA to consolidate the information received in these meetings into a single IRC program for consideration.

On September 29, 2023, the CLA released a subsequent report (City IRC Report), that provided a consolidated, Proposed City IRC Program for consideration. On October 5, 2023, the Ad Hoc Committee on City Governance Reform heard and approved the City IRC Report and the Proposed City IRC Program. On November 29, 2023, Council approved the City IRC Report as amended by three separate motions. The Proposed City IRC Program is now being drafted as a ballot measure to be presented to voters in 2024. At the time Council approved the City IRC Program, a further instruction was approved instructing the CLA to report on an IRC for the LAUSD Board.

This report serves to provide a consolidated, Proposed LAUSD IRC Program for consideration. The Proposed LAUSD IRC Program is similar in structure to the Proposed City IRC Program, with key differences. These alterations relate to the difference in size of the LAUSD compared to the City, as well as jurisdictional considerations concerning the selection and removal of

Commissioners. The Proposed LAUSD IRC Program was drafted in consultation with LAUSD representatives.

RECOMMENDATIONS

That the City Council instruct the Chief Legislative Analyst, with the assistance of the City Attorney and other Departments as necessary, to prepare ballot measure proposals consistent with the instructions of the Committee and Council.

BACKGROUND

The first public school in Los Angeles was founded in 1855, within the boundaries of the City. A superintendent system was in place from 1854-1870, replaced by a board of three trustees from 1870-1872. In 1872, the State legislature created the City Board of Education consisting of five members who had the power to appoint a superintendent.

The City School District (later the City Elementary School District), serving preschool through grade 8, formed in 1870. The City High School District, serving grades 9 through 12, formed in 1890. In 1960, the Board of Supervisors of Los Angeles County decided that these separate districts should become a unified school district for elementary and high school purposes, effective July 1961. The two merged districts had already shared both the Board of Education and Superintendent. The two district territories had been approximately the same, but unification made them exactly the same.

There are no references or resources that have yet been identified that fully describe the historical record or policy decisions behind the Board's consolidation effort in 1960. Additional research by academic institutions would be valuable in clarifying the intent and purpose of the consolidation.

Current Governance of LAUSD and Placement in the City Charter

School districts in California are within the jurisdiction of the State Education Code, unless superseded by a City Charter. The City Charter's Article VIII includes provisions related to the governance of the LAUSD, including provisions for the establishment of seven Board districts and redistricting Board seats in a manner similar to the current process for Council Districts.

The placement of LAUSD governance provisions in the City Charter provides LAUSD and the City with benefits that would otherwise be lacking were LAUSD governed by the Education Code:

Election Provisions

School districts under the jurisdiction of the Education Code are solely responsible for the organization, efficacy, and cost of elections for governance positions. Several sections of the Charter (and Section 107 of the Election Code) allow for LAUSD elections to be performed in tandem with the elections of City governance positions. While State law also allows local jurisdictions to consolidate elections, the placement of LAUSD in the Charter ensure consistency with Los Angeles election procedures in light of potential amendments to State law. This coordinated effort has the potential to provide for a more

robust and cost-effective election process than would be possible were the City and LAUSD to hold separate elections.

Ethics Provisions

LAUSD's placement in the City Charter allows the City to determine the ethical standards by which LAUSD Board members are governed. The City can enforce the standards that are applied to other City departments, and solely determine whether to make these standards more or less stringent than the Education Code.

Salary Provisions

The Education Code provides maximum salaries for members of district boards. Section 804 of the Charter allows the City to determine higher salaries for Board members than would be allowed under the Education Code, providing more competitive salaries that have the potential to attract more quality candidates for Board seats.

LAUSD has indicated that there are possibly other operational matters that are independently under the control and management of LAUSD as a result of being included in the City Charter. Removing the LAUSD from the Charter and placing them entirely under the governance of the State Education Code could create unintended and unidentified administrative, operational, and governance issues for the District. LAUSD representatives have indicated their preference for the school district to remain in the City Charter.

On December 12, 2023, the City Council directed City departments to identify sections of the Charter that would benefit from reform and modernization. As part of a future City Charter reform process, the City may wish to direct a Charter Reform Commission to fully evaluate issues associated with the Education Code and identify potential amendments to the provisions in the Charter that govern LAUSD.

PROPOSED PROGRAM

All of the issues and options associated with an independent redistricting program described in the City IRC Report for Council Districts apply to the LAUSD Board districts, though there are considerations and adjustments that should be made with respect to the selection of commissioners and the term for the LAUSD Commission. The Proposed Program is detailed in full in Attachment A of this report.

Selection Process: Geographical Basis

The City IRC Report includes a Dual-Step Commission Selection model, in which the first set of Commissioners is selected to ensure geographical diversity from areas across the City (Step One) followed by selection of the remaining Commissioners on the basis of ensuring consideration of diversity factors (Step Two). For clarification, the overall pool of applicants shall not be constrained to 150 or any other number of candidates prior to the selection process.

The LAUSD Commission's selection process Step One should include representation from all geographies within the school district. The LAUSD's boundaries extend beyond the borders of the City, including unincorporated portions of Los Angeles County and 25 other cities. As a

result, additional efforts would be required to ensure that Commissioners are appointed from all areas.

In a Dual-Step selection process, the City Commission's selection process Step One includes the selection of an initial eight Commissioners to be based on eight regional geographic areas, with generally equal population, as developed by the City Clerk and Ethics Commission, with assistance from the City Data Bureau. Step Two includes the selection of an additional eight Commissioners for a total of 16 Commissioners.

For the LAUSD Commission, it may be appropriate to use the seven LAUSD Board districts to choose the first seven Commissioners of the selection process. These seven could then, similar to the City Commission, select additional Commissioners based on other diversity factors in Step Two.

Council will need to decide how many Commissioners will be chosen in Step Two of the LAUSD IRC Program. If keeping an equal number of Step One and Step Two Commissioners is preferred, Step Two could involve the selection of seven additional Commissioners, for a total of 14, as is recommended in the Proposed Program. Or, if keeping 16 total Commissioners is desired, like the City Commission, Step Two could involve the selection of nine additional Commissioners.

LAUSD representatives have suggested that it may be appropriate to include a requirement that, of the total Commissioners selected, four should be parents or guardians of pupils who attend a school within LAUSD. While this suggestion was not incorporated into the Proposed Program, Council may wish to designate a minimum number of parents or guardians of pupils to be selected in Step Two of the selection process.

Selection Process: Authority

The City IRC application and selection process would be managed by the City Clerk, with the City Ethics Commission providing oversight. Due to LAUSD's separate governance structure, it may be appropriate to designate a different governmental body to manage the LAUSD Commission application and selection process. LAUSD representatives have suggested that the City Ethics Commission retain a similar oversight role for the LAUSD Commission, with general support and feedback from the Office of the Executive Officer of the LAUSD Board. Alternatively, another body could be requested to play a role similar to that of the Clerk in the City IRC process. The LAUSD IRC process could be managed by the City Clerk or by some other outside body such as the County Department of Education.

FISCAL IMPACT STATEMENT

There is no fiscal impact resulting from the recommendations in this report.



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Analyst

ATTACHMENT A
LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)
INDEPENDENT REDISTRICTING COMMISSION

B. Commission Purpose

The purpose of the Independent Redistricting Commission (also referred to as Commission or IRC) is to strengthen governance of the Los Angeles Unified School District (LAUSD) by developing LAUSD Board District boundaries through a fair, transparent, and inclusive Independent Redistricting process that empowers full public participation and maximum public access to its proceedings.

C. Commission Organization

1. There shall be 14 Commissioners.
2. There shall be 4 Alternate Commissioners.
3. Commission vacancies shall be filled by the Chair of the Commission by randomly drawing the name of an Alternate Commissioner.
 - a. If the pool of Alternate Commissioners is exhausted prior to the adoption of a final map, an expedited process shall be conducted, with the Commission randomly selecting replacements from the Commission Selection Pool in E.5(b) below. After adoption of a final map, either an expedited application process can be conducted as above or the quorum requirement may be revised if the pool of Alternate Commissioners is exhausted.
4. Commissioners and Alternate Commissioners shall attend Commission meetings. Commissioners and Alternate Commissioners who do not attend Commission meetings shall be subject to removal.
5. Each new IRC Commission begins upon appointment of the first Commissioner and serves a term of 10 years.
6. An application process to identify prospective Commissioners shall commence by April 1 in a year ending in the number 9.
7. The Commissioner application process shall include an outreach and education program to ensure that there is wide awareness that the Commission application process is open, with efforts to reach underserved communities and with efforts conducted in multiple languages as provided in Section G.6. Outreach will include information concerning qualifications, disqualification criteria, responsibilities, and restrictions. Outreach will address the public nature of the process, requirements to engage the public and comply with the Brown Act, and other elements of the public process that may be encountered.

8. The application process shall be completed within one year and Commissioners shall be appointed to commence their term and begin their work no later than April 1 of a year ending in 0. Commissioners shall be sworn into service by the City Clerk.
9. Commissioners and Alternate Commissioners shall receive training with regard to redistricting.

D. Commissioner Qualifications, Responsibilities, and Restrictions

1. Candidates to become a Commissioner on the Independent Redistricting Commission shall submit an application. All applications are public records available for public review. Qualified applicants:
 - a. Shall be a resident of the LAUSD for at least three years prior to submission of an application.
 - b. Shall be at least 18 years old.
 - c. Shall not be eligible to serve on or be appointed to the Commission if any of the criteria in State Elections Code Section 23003(c) and (d) apply.
 - d. Shall not have been an LAUSD Board Member within the previous 4 years.
 - e. Shall not have been an LAUSD employee or an individual who has been employed by the LAUSD within the previous 4 years.
 - f. Shall not serve concurrently on a redistricting commission of any other governmental body.
 - g. Shall demonstrate the ability to analyze complex data, collaborative skills, and experience in civic engagement.
2. During service, Commissioners and Alternate Commissioners shall not endorse, work for, volunteer for, or make a campaign contribution to any LAUSD elected official or candidate for elective office of the LAUSD Board.
3. A Commissioner shall be ineligible:
 - a. To be a candidate for:
 - i. Any LAUSD elective office unless more than 5 years from the expiration of service or 10 years from appointment, whichever is less;
 - ii. Any LAUSD Board District for which they were involved in drawing the District boundaries.
 - b. For a period of 4 years from the expiration of service or 10 years from appointment, whichever is less:
 - i. to be appointed to another LAUSD commission,
 - ii. to serve as paid staff for or as a paid consultant to any LAUSD Board elected official or candidate for elective office for the LAUSD Board,
 - iii. to receive a non-competitively bid contract with the LAUSD,
 - iv. to act as a LAUSD lobbyist, or
 - v. to accept appointment to an LAUSD office.

4. At the time of their appointment, a Commissioner shall file a written declaration with the City Clerk stating their understanding of the restrictions in D.3.
5. Commissioner duties shall include:
 - a. Conduct themselves in a manner to ensure integrity and fairness of the process, including ex parte communication restrictions.
 - b. Attend and participate in commission meetings and hearings.
 - c. Train on redistricting and ethics.
 - d. File appropriate statements of economic interests, such as Form 700.
 - e. Use an assigned e-mail for commission business.
 - f. Conduct self and business in an impartial manner.
 - g. Additional duties may be assigned.
6. All ex parte communications between Commission members and any other person concerning development of the map are prohibited. This does not restrict communication among Commissioners and their staff, consultants, or legal counsel, or communication with City or LAUSD Board staff regarding administrative matters. This does not restrict educational presentations to the public. At least two Commissioners must be present at any public meeting that is not an official Commission hearing or meeting and such a meeting must be posted on the Commission website for general public participation. This shall include in person and virtual meetings.
7. All ex parte communications between Key Commission staff (the IRC Executive Officer, mapping consultant, and other designated positions) and any elected City or LAUSD Board official, candidate for City or LAUSD Board elected office, or their staff concerning development of the map shall be prohibited. This does not restrict communication regarding administrative matters. This does not restrict educational presentations to the public.
8. All ex parte communications between the Ethics Commission, City Clerk, or other entities involved in the Commission Selection Process and any elected City or LAUSD Board official, candidate for City or LAUSD Board elected office, or their staff concerning development of the map shall be prohibited. This does not restrict communication regarding administrative matters. This does not restrict educational presentations to the public.
9. The IRC may adopt other rules on communications so long as they comply with the Brown Act and open meeting laws; do not conflict with the ban on ex parte communications contained herein; and are considered and adopted in public meetings of the Commission.

E. Commission Selection Process

1. The City Clerk shall manage the Commission application process, with the City Ethics Commission providing oversight. The City Clerk and Ethics Commission may delegate these efforts to their staff or consultants. The Ethics Commission shall develop the criteria to be included on the application (objective and subjective).
2. The City Clerk shall prepare the application for Commissioner and ensure wide publication and outreach to ensure that the public is aware of the application process. The City Clerk shall monitor application submissions and enhance outreach if any deficiencies in diversity and geography are identified.
3. The City Clerk shall establish a Pool of Applicants:
 - a. People interested in becoming a Commissioner apply for the position, submitting the application to the City Clerk.
 - b. City Clerk shall review applications and enter any applicant that satisfies the applicant criteria (objective) in D.1.a through f, into the Pool of Applicants for Commissioner.
4. Once the Pool of Applicants has been established:
 - a. The City Clerk shall post the names and applications of the candidates for public review.
 - b. The public may register with the City Clerk a concern with any candidate posted for public review and seek dismissal of that candidate from the Pool of Applicants.
 - c. Any names submitted for exclusion shall be evaluated by the Ethics Commission, who shall make a determination concerning exclusion.
5. Commissioners shall be selected in two steps:
 - a. Step One: Geography Selection
 - i. The Commission Selection Pool candidates shall be divided by their residency in the seven (7) LAUSD Board districts to create seven (7) subpools.
 - ii. The City Clerk shall randomly select one (1) name from each subpool in a public process.
 - iii. The result of this selection process shall be seven (7) IRC Commissioners, one (1) selected from each LAUSD Board district.
 - b. Step Two: Diversity Selection
 - i. The names of the remaining candidates in the geographic sub-pools shall be recombined to reconstitute a single Commission Selection Pool. Commissioners selected in Step One: Geography Selection shall review the applications of all remaining applicants to select an additional seven (7) Commissioners in a public process.

- ii. Selection shall be made in a manner to balance the diversity of the Commission including, but not limited to the following factors:
 - Race and ethnicity
 - Sex and Gender
 - Sexual orientation
 - Age (Youth and Seniors)
 - Income and Profession
 - Geography
 - Other factors as appropriate.
- 6. Alternate Commissioner Selection
 - a. Once the full Commission of 14 members has been established, the IRC shall select four (4) Alternate Commissioners from the remaining Commission Selection Pool candidates in a manner that achieves geographic separation between each selected Alternate Commissioner.
- 7. Commissioners may be removed by a supermajority (two-thirds) vote following a pre-removal process.
 - a. The pre-removal process shall include:
 - i. Notice of public hearing
 - ii. An opportunity to respond in writing
 - iii. An opportunity to respond at the noticed Public Hearing
 - b. Commissioners may be removed for the following reasons:
 - i. Substantial neglect of duty
 - ii. Gross misconduct in office
 - iii. Inability to discharge duties of office
 - iv. Failure to meet commissioner qualifications
 - v. Unexcused absences as determined by the IRC
 - vi. Working or volunteering for, contributing to, or endorsing a candidate for an elective office of LAUSD
 - vii. Transparency violation
 - viii. Moving out of the LAUSD
- 8. Commissioners may be removed immediately by a supermajority vote of the Commission for the following reason:
 - a. Charge of a serious crime or felony
- 9. Commissioners removed by a vote of the IRC may appeal their removal to the Ethics Commission.
- 10. The position of a Commissioner who pleads guilty or no contest to or is convicted of a felony shall immediately be vacated.

F. Redistricting Criteria

1. Primary criteria:
 - a. Compliance with the U.S. Constitution
 - b. Compliance with the federal Voting Rights Act
 - c. Compliance with the State Constitution
 - d. Each district shall have a reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or as allowable by law.
2. Additional Criteria shall include those criteria required by the California Elections Code (Sections 21130 and 21621). Other additional criteria may be considered when drawing district boundaries, including consideration of the community and cultural association with economic and cultural landmarks and resources. All decisions concerning Additional Criteria shall be considered and approved in public meetings. Consideration of Additional Criteria should be considered in compliance with and subordinate to the requirements of federal or State law.
3. LAUSD Board Districts shall be numbered in a manner that, for as many residents as possible, the number of the LAUSD Board District they reside in remains the same

G. Public Meetings and Public Comment

1. The IRC shall take steps to encourage residents to participate in the redistricting process, including those in underrepresented communities and non-English speaking communities.
2. The IRC shall actively engage and provide information through good government, civic engagement or community groups or organizations that have requested to be notified concerning redistricting.
3. The IRC shall provide live translation in English and Spanish. The IRC shall arrange for the live translation of a public hearing or workshop in an applicable language if a request is made at least 72 hours prior to a hearing or workshop.
4. The IRC shall make public the date, time, and location for any public hearing or workshop on the internet at least five business days before the meeting, or three days if within 28 days of the deadline to adopt boundaries.
5. The IRC shall consider public testimony in their deliberations, as well as any full or partial maps provided in writing and at public hearings and meetings.
6. The IRC shall provide materials in the languages required by federal and State law. In addition, outreach materials and meeting agendas shall be provided in:
 - a. the ten (10) most spoken languages in the City and LAUSD and

- b. all languages required under the federal Voting Rights Act for elections (English, Spanish, and 11 others) and
 - c. consistent with any approved City or LAUSD language access plans, whichever is more inclusive and comprehensive.
- 7. Best efforts shall be made to provide all other Commission materials in all languages required under the federal Voting Rights Act for elections (English, Spanish, and 11 others).
- 8. The Commission shall develop and implement an Accessibility Plan to ensure that people with disabilities and seniors are able to access and fully participate in Commission meetings and hearings. This plan shall be developed prior to the initiation of public hearings.
- 9. For purposes of providing testimony, elected officials shall be subject to the same public comment procedures as members of the public.
- 10. The Commission shall hold public hearings that ensure the public has the opportunity to participate and comment, including via remote access, and that are held in a manner that is geographically distributed across the School District, with a portion of the meetings held evenings after 6 p.m. or weekends, in each phase of the redistricting process. Public hearings are intended to focus on receiving public testimony and presentation of information concerning the redistricting process, while public meetings are designed to conduct the business of the Commission.

H. Commission Process

- 1. The final map shall be adopted no later than September 30 of a year ending in 1.
- 2. Quorum of the Commission shall be a simple majority. Commission votes shall be approved by a simple majority vote, except the following which shall be approved by a supermajority (two-thirds):
 - a. a vote for the final map
 - b. a vote to remove a Commissioner, as described in C.4, E.7, and E.8
 - c. a vote for Commissioners selected in Step Two: Diversity Balance, as described in E.5b
 - d. a vote for key staff and consultants, including the Executive Director, map maker, and other key staff as designated by the Commission
 - e. a vote to authorize delegation of authority for hiring and contracting
- 3. The Commission shall accept full or partial draft maps from the public for consideration. Commissioners shall individually be allowed to prepare and present full or partial draft maps for consideration by the Commission.
- 4. Consideration of principles for the selection of boundaries for draft and final maps shall be made in a public meeting or hearing and approved by vote of the Commission.

5. Map principles, draft maps, and final maps shall be posted for public consideration for a minimum of seven (7) days before consideration at a Commission hearing or meeting.
6. If the IRC does not adopt a final map by the deadline, the City Attorney must immediately petition the superior court for an order prescribing new LAUSD Board District boundaries, and those boundaries will apply to elections until the IRC is able to adopt a map.
7. Upon approval of a final map, the Commission shall submit the map, final report, and any other accompanying materials to the City Clerk and publish this material on the redistricting website.
8. The City Clerk shall post to the public record.
9. The final map will be effective upon adoption by the IRC.

I. Records and Data

1. The IRC shall comply with the California Public Records Act, commencing with section 6250 of the California Government Code, or its successor, and any City laws regarding public records, to the degree they require greater disclosure and retention of Commission records than is provided in this article.
2. The IRC shall comply with the Brown Act and other open meeting laws.
3. The IRC and its subcommittees shall keep minutes of all discussions and actions taken at public meetings. The minutes should be adopted at the next public meeting of that body. To the greatest extent practicable, all public meetings of the Commission and its subcommittees shall be audio or video recorded, with considerations for technical capacity and difficulties if necessary.
4. The IRC shall make available to the public a free electronic mapping tool, populated with relevant sociodemographic and geographic data, which tool can be used to create draft maps and draft partial maps.
5. The IRC shall provide redistricting training and workshops for the public, including by providing grants to community organizations to conduct such training and workshops. Grant making procedures shall ensure transparency, compliance with public contracting procedures, and conducted in a manner consistent with ex parte requirements of sections D.6, D.7, and D.8.
6. The IRC shall establish an internet web page dedicated to redistricting. All IRC documents, audio files, video files, minutes, outreach materials, and other materials related to redistricting shall be posted to the website for public access. The IRC shall maintain the website for at least 10 years after the adoption of new LAUSD Board District boundaries.

J. Funding

1. The City Council and Mayor shall provide sufficient funds to meet the operational needs for the formation and operation of the Commission, conduct any outreach program to solicit broad public participation in the redistricting process, and, if necessary, defend the Commission in any legal proceeding.
2. The City Council and Mayor shall provide funds to all City departments involved with the formation of a Commission, providing support to the Commission, and maintaining records as required by law.
3. LAUSD shall reimburse the City and City departments for the formational and operational processes of the Commission.

K. Administrative and Operational Issues

1. The IRC shall hire an Executive Director and redistricting, technology, or outreach staff, whose positions shall be exempt from the civil service provisions of the Charter.
2. The IRC shall have the authority to hire consultants through a competitive bidding process consistent with LAUSD contracting provisions.
3. The City Clerk shall be designated to provide support to the Commission in accessing City resources as needed. The LAUSD Office of the Board Executive will support as well.
4. Each member of the Commission shall be a designated employee in the conflict of interest code for the Commission pursuant to State law.
5. The IRC may recommend revisions to the Independent Redistricting process specified in the Charter or Administrative Code by submitting a report to the City Ethics Commission with findings, analysis, and data that support the proposed revisions.
6. Within 60 days of submission of an Ethics Commission report with recommendations, the Council shall hold a public hearing concerning the matter and act to approve or disapprove the Ethics Commission report. If the Council fails to disapprove within the 60 day period, the rule or regulation shall be presented to the Mayor for approval or veto, and to the Council for override of the Mayor's veto. If approved by the Mayor, or the Mayor fails to act, or approved by the Council on override of the Mayor's veto, the rule or regulation shall have the force of law.
7. Charter changes require approval by the voters.
8. Provide the Commission with the authority to choose their legal counsel, including the City Attorney.

9. Commissioners shall be compensated in a manner described in the Administrative Code.
10. Inter-Census Redistricting is allowed only by order of a Court, and must be conducted consistent with the Independent Redistricting requirements of the Charter.

L. Legal Matters

1. The certified map shall be subject to referendum in the same manner that a statute is subject to referendum.