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October 11, 2021

Received

Via Email & Certified U.S. Mail

Randal S. Bassett, Superintendent
Hon. Marcelino Serna, Board President
FONTANA UNIFIED SCHOOL DISTRICT
9680 Citrus Avenue
Fontana, California 92335

OCT 22 2021

Superintendent's Office

Re: Demand for Compliance with the California Voting Rights Act

Dear Superintendent Bassett and Hon. Board President Serna:

As you know, the Fontana Unified School District relies on an at-large system for electing candidates to its school board.

“At large” election schemes dilute the ability of minority groups to elect their preferred candidates and influence elections in a meaningful way. The Supreme Court “has long recognized that multi-member districts and at-large voting schemes . . . operate to minimize or cancel out the voting strength” of minorities. *Thornburg v. Gingles* (1986) 478 U.S. 30, 47.

The area and operations of the District are significant. According to U.S. Census estimates from 2019, the District’s total population amounted to 36,276 students with Latinos comprising 87.4% and African Americans comprising 5.1% of the total. The boundaries of the District encompass approximately 45 schools, including 5 comprehensive high schools, 7 middle schools and 30 elementary schools, with general expenditures exceeding \$600 million dollars for the 2021-2021 school year.

Upon close study of the local demographics of the District, I have concluded that voting within the District is racially polarized, and that the District’s current reliance on an at-large voting system has diluted the vote of the local African American community thereby restricting its ability to participate in local school governance and constituting a significant violation of the California Voting Rights Act (hereafter, CVRA).

You are undoubtedly aware of recent decisions by many local districts to conform to the CVRA, including the Whittier Union High School, East Whittier School District, South Whittier School District, Whittier City School District, Little Lake School District, Rowland Unified School District, Los Nietos School District and the Hacienda La Puente Unified School District. Your compliance with the CVRA is now long overdue.

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While instances of overt racism, such as the 1945 killing of the Short family, the first Black family to move into a White neighborhood in Fontana, have all but faded into the past; sadly, we still live in an era where the San Bernardino County Board of Supervisors has declared racism a "Public Health Crisis."

On June 10, 2020, in wake of George Floyd's murder, the District's Governing Board adopted a resolution affirming its commitment against police brutality and inequality. In that resolution, members of the Board called "for the collaboration with African American community members and other stakeholders to develop and present needed policy and practice recommendations and outlined outcomes specifically for our African American students and other students of color . . ." The Board had previously adopted Resolution 18-30 promoting Cultural Diversity and Ethnic Studies to provide an education that "emphasizes, exposes, and enriches the students' understanding of the positive contributions made by a variety of cultures and races to the history of our nation, and that helps our students understand and appreciate the rich histories and cultural contributions of the communities to this precious history."

The District's commitment to respect for diversity is additionally reflected in District Administrative Regulation 0200, *Philosophy, Goals, Objectives and Comprehensive Plans*, which aspires to create " . . . [a]n awareness and understanding of our country's history and ideals and its diverse ethnic, racial and cultural heritage . . . an awareness and understanding of the heritage, ideals and contribution of other cultures, races and countries [and] . . . the development of moral and ethical values based on the rights and responsibilities of individuals and their relationship to each other including respect for self and others."

These actions, while laudable, do not excuse the District and its Board from the obligation to vigorously pursue inclusive political solutions. Such was the message of the Interdistrict Alliance of Black Parents of the Inland Empire who recently called upon you to make efforts to include African American/Black residents in all conversations relating to the education of their children.

While voting by trustee areas does not necessarily guarantee better representation, it does address, in a more balanced manner, the continuing perception of regional and ethnic bias. In this regard, Board members must act quickly to eliminate at-large elections in order to cure and correct this.

To date, not a single school district has successfully challenged a claim arising under the CVRA. Agencies and cities that resist converting from an at-large election-based system to the more inclusive district-based system have incurred millions of dollars in legal fees and expenses. Such was the case with the City of Palmdale in 2012, and more recently, with the cities of Whittier in 2013 and Santa Monica in 2019 (although this case is currently pending before the California Supreme Court). *See* Elections Code Section 14030 (mandating an award of costs, attorneys' fees and expert expenses to prevailing plaintiffs). Accordingly, I request that the Board confirm the District's agreement to voluntarily abandon its at-large system of electing board members.

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Please contact me, within 45 days of the date of this letter, to confirm your agreement to eliminate the at-large system. If I do not hear from the District or its counsel by the close of business on November 25, 2021, I will assume that the District and its board have no interest in voluntarily addressing the issue. Should the District decline, I will seek judicial relief on behalf of local residents.

Prior to sending this letter, I worked closely with local stakeholders to review and analyze the local voting population. I enclose, for your consideration, a proposal for trustee areas that ensures fair and equitable representation of the various local communities within district boundaries.

Given the time that I have taken to familiarize myself with your district's demographic profile, I intend to closely scrutinize efforts by the District to draw boundaries that do not fulfill the spirit and intent of the CVRA, such as the creation of boundaries that protect incumbent Board members from future challenges. In this regard, I urge you to invite members of the local community to join the discussion to ensure that boundaries are drawn with integrity and fairness.

Respectfully,

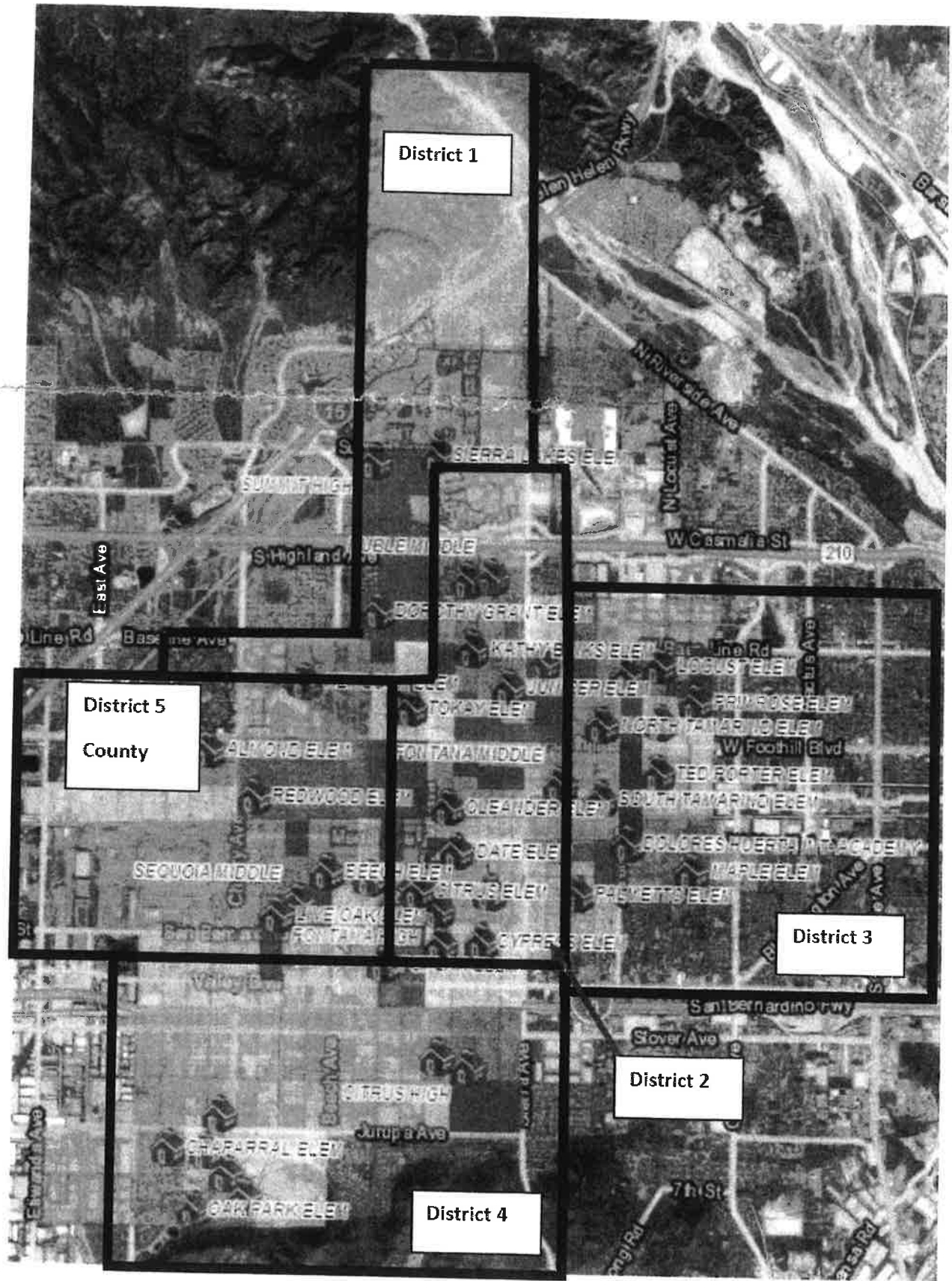


CARLOS R. PEREZ

CP/cp
Enclosure

cc: Dolores Huerta, Dolores Huerta Foundation
Connie Rosales, CTA (via e-mail)

Hon. Adam Perez, Board Vice President (via e-mail)
Hon. Joe Armendarez, Board Member (via e-mail)
Hon. Jennifer Quezada, Board Member (via e-mail)
Hon. Mary Sandoval, Board Member (via e-mail)



District 1

District 5
County

District 3

District 2

District 4