



DEHESA SCHOOL

COMPUTER SCIENCE IMMERSION ACADEMY

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Superintendent/CBO

Bradley Johnson

Interim Principal

Dr. Elizabeth Carzoli

March 2, 2023

VIA EMAIL

Ms. Aubrey Mann
Wilkinson, Hadley, King & Co.
218 W. Douglas Avenue
El Cajon, CA 92020

**Re: County Boundaries and District/Authorized Charter Eligibility for Independent Study
Average Daily Attendance (“ADA”) Apportionment**

Dear Ms. Mann,

Dehesa School District, including our authorized charter schools, are requesting your opinion of whether we may enroll and collect independent study apportionment for a student who resides in Los Angeles County as a resident of a “county immediately adjacent” pursuant to Education Code sections 51747.3 and 46300.2.

Although Los Angeles County and San Diego County do not share a land border, the District has determined that the two counties are nonetheless adjacent based on the plain meaning of the word “adjacent,” as well as given the geographical descriptions of the county boundaries set forth in the Government Code and the fact that Los Angeles County encompasses both Catalina and San Clemente Islands off of the San Diego coastline. Specifically, the analysis presented is whether Los Angeles and San Diego counties may be considered adjacent despite not sharing a land border.

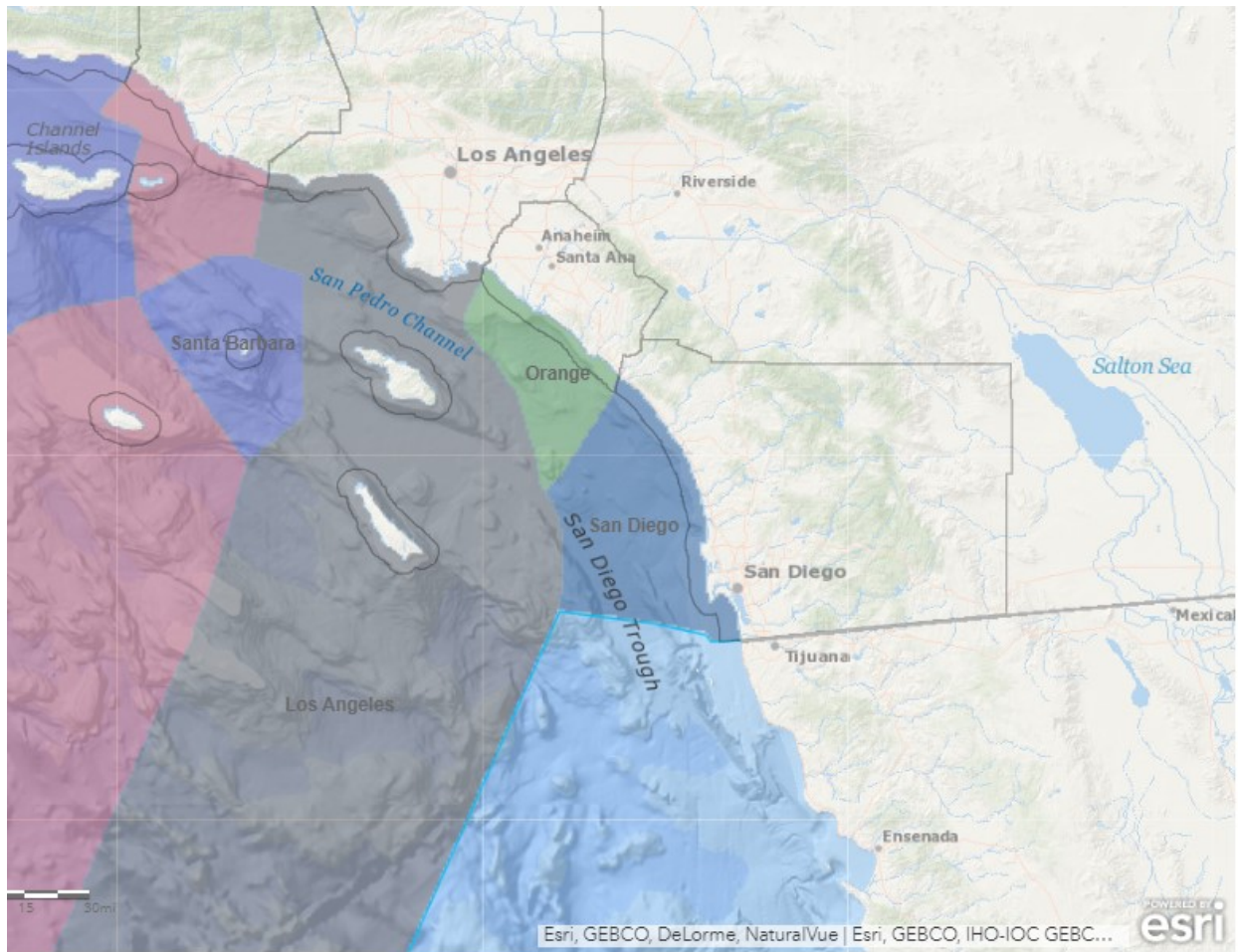
1. BACKGROUND

In accordance with Education Code sections 51747.3 and 46300.2, a school district may claim independent study attendance apportionment only for students who reside (a) in the county where the apportionment claim is reported, or (b) in the county immediately adjacent to the county where the apportionment claim is reported.

Dehesa School District is located in San Diego County. Based on a map depicting California county boundaries, San Diego County shares county boundaries on the mainland with Orange County, Riverside County, and Imperial County. San Diego County and Los Angeles County do not share a county boundary on land. However, Los Angeles County includes Catalina Island and San Clemente Island off the western coast of Southern California, near Los Angeles, as well as both Orange and San Diego Counties.



Furthermore, additional maps outline county areas that encompass islands off the coast of Southern California for the counties of Santa Barbara, Ventura, Los Angeles, Orange and San Diego. Each of these islands belong to an associated county with each island adjacent to one or more counties.



2. DEFINITION OF “COUNTY IMMEDIATELY ADJACENT”

a. Education Code Definition

The Education Code does not define the term “county immediately adjacent” for purposes of Education Code sections 51747.3 or 46300.2, or even a similar term such as “adjacent county.” It is of note that sections 51747.3 and 46300.2 both specifically use the term “immediately adjacent” and not just “adjacent.” Nonetheless, without a statutory definition, we turn to a consideration of dictionary definitions for guidance.

b. Dictionary Definition

Well-known dictionaries define “adjacent” in the following ways: (a) the Merriam-Webster Dictionary defines “adjacent” as “not distant, nearby, having a common endpoint or border, immediately preceding or following;” (b) the Cambridge Dictionary defines “adjacent” as “next to each other;” and (c) the Britannica Dictionary defines “adjacent” as “close or near; sharing a

border, wall or point.”

Although some definitions indicate “adjacent” means that there is some shared point or border, there are other definitions that simply indicate proximity as being “close” or “near,” without a specific requirement that it must share a common point or border.

c. Other Uses and Context

The 2022-23 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting published by the Education Audit Appeals Panel ([Link to Guide](#)) sets forth procedures for auditors to verify whether independent study ADA apportionment has been accurately claimed. The Guide states that auditors must sample select students and determine the county of residence at the time of commencing independent study and verify that it is the county where the apportionment claim is reported or a “contiguous county” within California. The Guide does not use the term “adjacent county” and instead uses “contiguous county” in multiple instances when addressing independent study ADA—both in the context of charter schools and other LEAs.

Dictionary definitions indicate that “contiguous” means “next to” or “touching” or “being in actual contact” or “connected,” etc. Nevertheless, the exact term used in statute is “immediately adjacent” and not “contiguous” as used in the Guide, so, again, there remains a plausible argument that the broader definitions of “adjacent” that indicate “close” or “near” may be applied, at least as to consideration of whether counties adjacent only over the Pacific Ocean would qualify.

3. CONCLUSION

As referenced above, Los Angeles County includes both Catalina Island and San Clemente Island, which are located in the Pacific Ocean off the western coast of the state, where the islands neighbor Los Angeles County, Orange County, and San Diego County. Certain points of the Catalina and San Clemente Islands are considered adjacent to both Orange County and San Diego County, and, with respect to San Clemente Island specifically, may be even closer to certain points of San Diego County than Orange County.

Based on the definitions of the word “adjacent” to include “close” or “near,” we do believe that both Orange County and San Diego County are “immediately adjacent” to Los Angeles County as San Diego County is a county that is “close” or “near” to Los Angeles County.

We respectfully request your opinion on whether Dehesa School District and their authorized charter schools may enroll and collect independent study apportionment for a student who resides in Los Angeles County as a resident of a “county immediately adjacent” pursuant to Education Code sections 51747.3 and 46300.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bradley Johnson', with a long horizontal flourish extending to the right.

Bradley Johnson
Superintendent/CBO
Dehesa School District

Cc: Kevin Sproul