

BANTA ELEMENTARY SCHOOL DISTRICT
TRACY UNIFIED SCHOOL DISTRICT
Joint Resolution No. 2018/19 - #15
RESOLUTION IN SUPPORT OF A JOINT PETITION FOR REORGANIZATION
OF A PORTION OF TRACY UNIFIED SCHOOL DISTRICT
TO FORM BANTA UNIFIED SCHOOL DISTRICT
WITHIN THE BOUNDARIES OF BANTA ELEMENTARY SCHOOL DISTRICT

WHEREAS, Tracy Unified School District (“Tracy District”) is a unified school district serving grades preschool through 12th within the boundaries of former Tracy Elementary School District, former Delta Island Elementary School District, and former Holt Elementary School District, as well as serving grades 9th through 12th within the territory that it has in common with Banta Elementary School District (“Banta District”), New Jerusalem Elementary School District, and Jefferson Elementary School District within San Joaquin County and Mountain House Elementary School District within Alameda County;

WHEREAS, the Banta District is a non-unified elementary school district serving grades transitional kindergarten through 8th;

WHEREAS, the Banta District does not presently offer public high school services;

WHEREAS, high school age students residing within Banta District boundaries are eligible to receive high school services from high schools operated by the Tracy District as well as other educational service providers;

WHEREAS, recent enrollment growth within the Banta District has created circumstances under which there is an increased need for high school age students residing within Banta District boundaries to receive high school services locally;

WHEREAS, a unified school district provides a consistent and more effective articulation of education program delivery in an era of standards-driven curricula;

WHEREAS, unifying the Banta District to provide for educational services in grades transitional kindergarten through 12th (“Unification”) would provide seamless articulation and consolidation of programs and resources;

WHEREAS, the economies of scale for the Banta Unified School District operations will ultimately result in a more efficient and effective school district;

WHEREAS, Unification will allow all students residing within Banta District boundaries to be educated within the Banta Unified School District and thereby reduce the travel time for high school students who live within Banta District boundaries;

WHEREAS, on October 11, 2018, the Governing Board of the Banta District adopted Resolution Number 18/19-#7, Authorizing Commencement of a Process for Reorganization into a Unified School District;

WHEREAS, the Governing Board of the Tracy District supports Unification;

WHEREAS, Unification will not adversely affect the Banta District, the Tracy District, the residents of either school district, the San Joaquin County Office of Education, the State of California, or any other agency or person;

WHEREAS, California Education Code section 35700(d) authorizes a majority of the members of each of the Governing Boards of the Banta District and the Tracy District to jointly initiate a petition to the San Joaquin County Superintendent of Schools to reorganize one or more districts;

WHEREAS, the Governing Boards of the Banta District and the Tracy District seek to jointly initiate the petition for Unification ("Petition") (a copy of the Petition is attached hereto as Exhibit A).

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Banta District and the Governing Board of the Tracy District as follows:

1. Recitals. The foregoing recitals are adopted as true and correct.
2. Submission of Petition. The undersigned, acting on behalf of and with the approval of the majority of the members of each of the Governing Boards of the Banta District and the Tracy District, both of San Joaquin County, hereby approve the submission of the Petition to dissolve the Banta District and reorganize the Banta District as the Banta Unified School District, pursuant to the California Education Code, to the San Joaquin County Superintendent of Schools.
3. Conditions of Unification. The conditions enumerated in paragraphs (1) to (10) of California Education Code section 35753(a) are substantially met, and the Governing Boards of the Banta District and the Tracy District integrate herein by reference and adopt as findings the contents of the draft "School District Unification Study Prepared for the Banta Elementary School District," dated May 2019, provided that its final version will address in appropriate detail (1) the existing mitigation agreements between the Banta District and developer River Islands and between the Tracy District and developer River Islands, as well as necessary amendments thereto in light of Unification; (2) the Banta District's plans to acquire high school facilities necessary for the operation of the Banta Unified School District; and (3) the Banta District and the Tracy District's interim high school services plan.
4. Chief Petitioners. The following are to be designated in the Petition as the "Chief Petitioners" for purposes of receiving notices related thereto:

Daniel Moore
Superintendent
Banta Elementary School District
22375 El Rancho Road
Tracy, CA 95304

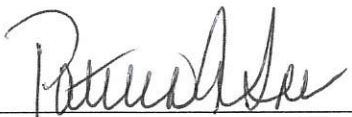
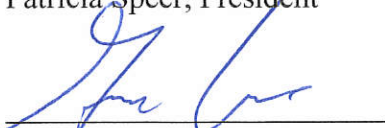

Dr. Brian Stephens

Superintendent
 Tracy Unified School District
 1875 West Lowell Avenue
 Tracy, CA 95376


5. Authorization. The Chief Petitioners and their respective designees are hereby authorized and directed, for and in the name of and on behalf of their respective districts, to execute and deliver any and all documents, to do any and all things, and take any and all actions that may be necessary or advisable, in their discretion, in order to carry out the purposes of this resolution, including filing the Petition.
6. Conditional Approval. Approval by each Governing Board is conditioned upon approval by the other Governing Board.

ADOPTED, SIGNED, AND APPROVED by the following vote of the Governing Boards of the Banta District and the Tracy District, called on the 19th day of June 2019 and ___th day of _____ 2019, respectively.

GOVERNING BOARD OF THE BANTA ELEMENTARY SCHOOL DISTRICT

Name	Vote	Absent	Abstain
 Patricia Speer, President	<input checked="" type="checkbox"/> Yes No	_____ _____	_____ _____
 Gene Neely, Vice President	<input checked="" type="checkbox"/> Yes No	_____ _____	_____ _____
 Joshua Anderson, Clerk	<input checked="" type="checkbox"/> Yes No	_____ _____	_____ _____

I attest, under penalty of perjury per the laws of the State of California, that all signatures of the members of the Governing Board of the Banta Elementary School District are genuine and were obtained in my presence:


 Daniel Moore, Superintendent
 Banta Elementary School District

6-19-19
 Date

GOVERNING BOARD OF THE TRACY UNIFIED SCHOOL DISTRICT

Name	Vote	Absent	Abstain
_____ Steve Abercrombie, President	Yes No	_____	_____
_____ Brian Pekari, Vice President	Yes No	_____	_____
_____ Jill Costa, Clerk	Yes No	_____	_____
_____ Ameni Alexander, Member	Yes No	_____	_____
_____ Simran Kaur, Member	Yes No	_____	_____
_____ Lori Souza, Member	Yes No	_____	_____
_____ Jeremy Silcox, Member	Yes No	_____	_____

I attest, under penalty of perjury per the laws of the State of California, that all signatures of the members of the Governing Board of the Tracy Unified School District are genuine and were obtained in my presence:

Dr. Brian Stephens, Superintendent
Tracy Unified School District

Date

EXHIBIT A
Petition for Unification

PETITION FOR UNIFICATION

To the Superintendent of Schools of Joaquin County:

Pursuant to California Education Code section 35700(d), the undersigned, constituting the majority of each of the governing boards of the districts that would be affected by the proposed reorganization, petition that a portion of the Tracy Unified School District be reorganized to form the Banta Unified School District within the boundaries of the Banta Elementary School District.

TERRITORY COVERED

The territory to be reorganized ("Territory") includes all the territory of the Banta District and the territory of the Tracy District that is coterminous with the territory of the Banta District.

AFFECTED SCHOOL DISTRICTS

The affected school districts are the Tracy Unified School District ("Tracy District") and the Banta Elementary School District ("Banta District").

Banta District is a non-unified elementary school district serving grades transitional kindergarten through 8th. Tracy District is a unified school district serving grades preschool through 12th within San Joaquin County. The Governing Board of the Banta District and its residents desire to reorganize the Banta District into a new unified district serving grades transitional kindergarten through 12th for students within the boundaries of the Banta District.

STATEMENT OF REASONS

The undersigned request that the Banta District unify for the following reasons:

1. The population growth from new housing development in recent years within the Banta District justifies the provision of high school services within Banta District boundaries.
2. Unification will result in neighborhood schools that can serve the development recently completed or proposed for the Territory. The unification will also reduce the distance high school students residing within Banta District boundaries must travel in order to attend a public school. As a result, more high school students will be able to walk or ride bicycles to school, through safe pedestrian routes.
3. Unification will improve the efficiency and fiscal responsibility of school district management.
4. Unification will advance a coordinated and integrated curriculum from transitional kindergarten through 12th grade by keeping students residing within Banta District boundaries in the Banta public school system after middle school.
5. Unification will encourage greater local community support for and cooperation with the high school teaching and administrative staff serving students residing within Banta District boundaries.

6. Unification will increase the voice of those residing within Banta District boundaries in the governance of their public schools and encourage parental involvement at the high school level.
7. Unification will advance greater school board accountability to the local community.
8. Unification will not adversely affect the Banta District, the Tracy District, the residents of either school districts, the San Joaquin County Office of Education, the State of California, or any other agency or person.

CONDITIONS SUBSTANTIALLY MET

The Governing Boards of the Banta District and the Tracy Districts have determined, with respect to the proposal and related consideration for unification, that all of the following conditions are substantially met:

1. The reorganized districts will be adequate in terms of number of pupils enrolled.
2. The school districts are each organized on the basis of a substantial community identity.
3. The proposal will result in an equitable division of property and facilities of the original district or districts.
4. The reorganization of the school districts will preserve each affected district's ability to educate pupils in an integrated environment and will not promote racial or ethnic discrimination or segregation.
5. Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
6. The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected districts.
7. Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
8. The proposed reorganization is primarily designed for purposes other than to significantly increase property values.
9. The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the affected districts.

Support for each of these conclusions is contained in the draft "School District Unification Study Prepared for the Banta Elementary School District," dated May 2019 and incorporated herein by this reference, provided that its final version will address in appropriate detail (1) the existing mitigation agreements between the Banta District and developer River Islands and between the Tracy District and developer River Islands, as well as necessary amendments thereto in light of Unification; (2) the Banta District's plans to acquire high school facilities necessary for the

operation of the Banta Unified School District; and (3) the Banta District and the Tracy District's interim high school services plan.

GOVERNING BOARD

The undersigned intend that the Governing Board of the Banta District will remain intact following unification until such time as elections are held for the Governing Board of the new Banta Unified School District, consistent with the terms below. Pursuant to California Education Code section 33050, the Banta District will request a waiver from the California Department of Education ("CDE") and the State Board of Education ("SBE") to waive California Education Code sections 5033, 35101, 35102, 32106 and 35737, which require election of a new governing board upon unification, allowing the then-existing Governing Board of the Banta District to become the Governing Board of the Banta Unified School District. Consistent with California Education Code section 35106, members of the Governing Board of the Banta District will continue to serve on that Governing Board until the Banta District is dissolved, concurrently with their service on the Governing Board of the Banta Unified School District. Terms of such board members will be the same terms as remained for the Governing Board of the Banta District as of the date of unification. Tracy District Governing Board members are unaffected by Unification. This Petition and the support of the Districts is not conditioned upon approval of the waivers described herein.

AREA OF ELECTION

The parties hereby request that the "area of election" in this reorganization be comprised of the electorate within the boundaries of the Banta District so as to allow for local decision-making, to permit those most affected by the reorganization to make the decision, and to reduce the costs of the election.

CHIEF PETITIONERS

The following individuals are the Chief Petitioners for the purpose of receiving notice of any public hearing, or any other matter, in regard to this Petition:

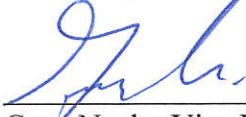
Daniel Moore
Superintendent
Banta Elementary School District
22375 El Rancho Road
Tracy, CA 95304

Dr. Brian Stephens
Superintendent
Tracy Unified School District
1875 West Lowell Avenue
Tracy, CA 95376

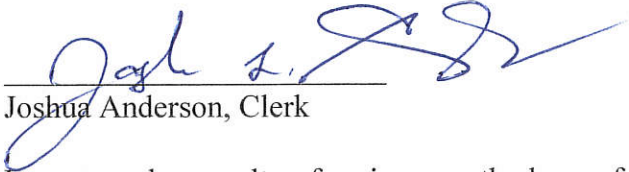
GOVERNING BOARD OF THE BANTA ELEMENTARY SCHOOL DISTRICT



Patricia Speer, President



Gene Neely, Vice President



Joshua Anderson, Clerk

I attest, under penalty of perjury per the laws of the State of California, that all signatures of the members of the Governing Board of the Banta Elementary School District are genuine and were obtained in my presence:



Daniel Moore, Superintendent
Banta Elementary School District

6-19-19

Date

GOVERNING BOARD OF THE TRACY UNIFIED SCHOOL DISTRICT

Steve Abercrombie, President

Brian Pekari, Vice President

Jill Costa, Clerk

Ameni Alexander, Member

Simran Kaur, Member

Lori Souza, Member

Jeremy Silcox, Member

I attest, under penalty of perjury per the laws of the State of California, that all signatures of the members of the Governing Board of the Tracy Unified School District are genuine and were obtained in my presence:

Dr. Brian Stephens, Superintendent
Tracy Unified School District

Date