

MARIN COUNTY OFFICE OF EDUCATION
1111 Las Gallinas Avenue/P. O. Box 4925, San Rafael, CA 94913

MARIN COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

Special Meeting
June 7, 2017
5:00 p.m.

A G E N D A

The special meeting of the Marin County Committee on School District Organization will be held on **June 7, 2017, 5:00 p.m.**, Marin County Office of Education located at 1111 Las Gallinas, Ave. San Rafael, CA 94905.

- | | |
|--|-------------|
| 1. Call to Order | Ms. O'Brien |
| 2. Roll Call / Introduction of CCSDO Committee Members | Ms. O'Brien |

ACTION ITEMS

- | | |
|---|-------------|
| 3. Approval and Adoption of Agenda | Ms. O'Brien |
| 4. Committee Action on Lapsation and Annexation of the Union Joint Elementary School District | Ms. O'Brien |
| • Reference Informational Items from June 5, 2017 Meeting | |

ADJOURNMENT

Ms. O'Brien

MARIN COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION (CCSDO)
JUNE 5, 2017 MEETING
INFORMATIONAL ITEMS SUMMARY

Union Joint Elementary School District (Union ESD) Documents

- ◆ Union ESD Reorganization and Lapsation Process **[Attachment A]**
- ◆ Union ESD Financial Trend **[Attachment B]**
- ◆ Union ESD Resolution No. 020717: *State Board of Education Waiver to Voluntarily Lapse the District* **[Attachment C]**
- ◆ Union ESD Boundary Map **[Attachment D]**
- ◆ Union ESD Priority Reorganization Concerns **[Attachment E]**
- ◆ Union ESD Resolution No. 050417: *Resolution and Decision that the Union Joint School District Requests the Marin County Committee on School District Organization Lapse the District and Annex the District's Entire Territory to the Lincoln School District Effective July 1, 2017* **[Attachment F]**
- ◆ Lincoln School District Resolution No. 04122017-01: *Lincoln School District Commitment to Reorganize with Union Joint School District* **[Attachment G]**

California Department of Education (CDE) Union Lapsation Waiver Documents

- ◆ CDE Waiver Request Online Confirmation – submitted 2/16/17 **[Attachment H]**
- ◆ State Board of Education (SBE) May 2017 Agenda – Union (ESD) Lapsation Waiver No. 24-2-2017 **[Attachment I]**
- ◆ CDE Waiver No. 24-2-2017 Submission – Elimination of Conditions for Lapsation (request to waive portions of California *Education Code* sections 35780, 35782, and 35783 regarding district lapsation) **[Attachment J]**
- ◆ CDE Waiver No. 24-2-2017 Approval – received 5/17/17 **[Attachment K]**

County Committee on School District Organization (CCSDO) Reference Documents

- ◆ CCSDO Lapsation Process Pursuant to Education Code §35500; 35780-35787 **[Attachment L]**
- ◆ California Education Code Sections, 35780-35787 **[Attachment M]**
- ◆ California Department of Education (CDE) District Organizational Handbook – State Board Waiver and Lapsation **[Attachment N]**

ITEM #5a:

INFORMATIONAL ITEMS

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- ◆ Lincoln School District Resolution No. 04122017-01: *Lincoln School District Commitment to Reorganize with Union Joint School District* **[Attachment G]**

**UNION JOINT ELEMENTARY SCHOOL DISTRICT
REORGANIZATION AND LAPSE PROCESS updated May, 31, 2017**

INTRODUCTION

Union Joint Elementary School District is a single school district located in West Marin and Southern Sonoma counties. The District has a current enrollment of six students, two of whom reside within Union's attendance boundaries and the remaining four attend on inter-district transfers.

LOCAL CONTROL FUNDING FORMULA AND NECESSARY SMALL SCHOOL FUNDING

Prior to the State's Local Control Funding Formula, enacted in 2013–14, the Union Joint District (Union) was funded under the 'necessary small school' funding formula, which provided block grant funding as averse to per student funding. The Local Control Funding Formula imposed some new distance eligibility requirements on necessary small schools. Union Joint Elementary School District does not meet the new mileage eligibility requirements to qualify for necessary small school funding detailed in Education Code 42283, as the pupils served by the District have other school attendance options as close or closer than Union's school site.

LOCAL CONTROL FUNDING FORMULA FLAT FUNDS UNION JOINT ELEMENTARY SCHOOL DISTRICT

The Local Control Funding Formula (LCFF) ensured that no district would receive less funding going forward than it received in 2012-13. For the Union joint school district this means that although the district has lost eligibility for necessary small school funding, the allowance received in 2012-13 sets a benchmark for annual funding.

DEFICIT SPENDING AT UNION JOINT ELEMENTARY SCHOOL DISTRICT

The district was able to maintain a balanced budget under the previous necessary small school funding formula until 2009-10 when funding was reduced by the State. The District has remained essentially flat funded at approximately \$180,000 in revenues since 2010-11. Natural inflation and an increase in special education services have caused deficit spending to steadily climb. The 2016-17 'third interim' budget projects deficit spending of \$115,700 in the current year and continuing at approximately \$100,000 annually thereafter. The effect of multiple years of deficit spending is that the District's reserves have been steadily diminishing. The District's 2016-17 Adopted budget projected less than the minimum required reserve for economic uncertainty in the second subsequent year of the multi-year projection and as a result the County Superintendent conditionally approved the district's 2016-17 budget.

Attachment B provides a trend of the District's financial statements from 2007-08 to the current year updated to reflect the latest approved budget for 2016-17 – the End of Year Projections or 'third interim' approved by the board on May 23, 2017. The latest budget estimates the District would have insufficient reserves to meet the state required minimum in 2017-18 and would exhaust all reserves in 2018-19 and is projected to run out of cash before the end of the year.

UNION JOINT ELEMENTARY SCHOOL DISTRICT REORGANIZATION AND LAPSE PROCESS updated May, 31, 2017

FORMATION OF THE UNION JOINT ELEMENTARY SCHOOL DISTRICT REORGANIZATION STUDY COMMITTEE

Recognizing the district could not continue to operate beyond the 2018-19 school year, the District took formal action to appoint a Reorganization Committee at their October 4, 2016 board meeting. The Committee is comprised of all three board members, the Principal/Teacher, and three community members.

The District prepared and approved a timeline, including benchmark action dates sufficient to identify how and where pupils residing within District boundaries will be educated upon the loss of the district's minimum reserve requirement at their December 13, 2016 board meeting.

REORGANIZATION PROCESS

The Board held a public hearing, noticed in the newspaper as well as physically posted within the District, on February 7, 2017 to encourage participation by parents, teachers, and members of the community interested in the affairs of the district regarding input on the Board's proposed actions to lapse the district.

Following the public hearing, the Board took action to pass a resolution to request a waiver of portions of Education Code sections 35780, 35782 and 35783. (Attachment C).

The waiver request was approved by the State Board of Education on May 11, 2017 (Attachment K) for a two year period. As noted above, however, the latest financial projections indicate the District will have insufficient reserves to meet the state required minimum in 2017-18 should it continue operations.

CONTIGUOUS DISTRICTS

The Reorganization Committee met six times over the course of the re-organization process and the entire committee attended all board meetings and public hearings from November, 2016 forward. The Committee performed a preliminary analysis of the five districts who share a boundary with the Union Joint Elementary School District (Attachment D).

At its December 2016 board meeting, with input from the Committee, the Board considered two of the five contiguous districts would not be viable:

Novato Unified School District is somewhat inaccessible from the Union district – requiring a drive of almost 15 miles to the nearest elementary school. Furthermore, the Union Joint Elementary School District is within the Petaluma City Schools junior high and high school attendance area, and a reorganization with Novato would therefore entail both an elementary and a high school reorganization.

Laguna Joint School District operates a single school located approximately 9 miles from Union's single school making it somewhat inaccessible for District residents. An estimate of the fiscal impact of a reorganization with Laguna prepared in the 2015-16 school year shows a loss of total revenue in this scenario.

UNION JOINT ELEMENTARY SCHOOL DISTRICT REORGANIZATION AND LAPSTATION PROCESS updated May, 31, 2017

The Board directed the reorganization committee and staff to make contact with the remaining three contiguous districts to determine which district provides the best option for the Union students and community. Wilmar Union School District and Petaluma City Schools in Sonoma County and Lincoln School District in Marin County all expressed an initial interest in the reorganization.

REQUEST FOR CONSIDERATIONS

The Board also took action to articulate those items they would like any potential partner district to consider in a reorganization:

1. Assuming Union Joint Elementary School District ceases to exist on July 1, 2017, the district would like partner districts to consider operating the school site with existing staff for the 2017-18 school year.
2. Students residing in the existing Union attendance boundaries will continue to be allowed to attend alternate public schools on an inter-district transfer.
3. The school facility and grounds will continue to be used for school purposes and be available for community use (i.e. 4 H and FFA meeting place)
4. The school facility including infrastructure will continue to be maintained in good repair
5. Staff will enjoy the protections granted in education code in the case of a reorganization (The certificated staff has 10 + years of service while the classified staff will have 3 years of service at the end of the 2016-17 school year)
6. The needs of all students including those with exceptional needs will be addressed.
7. The ability for the Union community to blend into the new district including board input
8. The impact to property owners in the Union attendance area

PUBLIC HEARING for CONTIGUOUS DISTRICT PRESENTATIONS

A public hearing was noticed in the Press Democrat on March 14th and in three physical locations in the District. The public hearing was held at the Union Joint Elementary School District on March 28, 2017 for Wilmar Union, Petaluma City Schools and Lincoln School District to present to the Board regarding their desire to receive Union in a lapsation and their ability to meet the Board's request for considerations.

Prior to the public hearing staff responded to requests from all three districts with budget, financial, and enrollment data. All materials requested by any one of the districts was provided to all three districts.

Administration from the Petaluma City Schools contacted the Union Joint Superintendent on the eve of the public hearing to withdraw themselves from consideration as a receiving district. The communication stated "We do not believe we can adequately meet the needs specific by the Union Joint Elementary School District for their staff, students, and community in a manner that they feel is important for their success."

At the public hearing, the Superintendent of Wilmar Union Elementary School District made a presentation lasting approximately twenty minutes followed by a presentation by the entire three member board of the Lincoln School District of the same length. The Board asked some follow up questions after each of the presentations.

**UNION JOINT ELEMENTARY SCHOOL DISTRICT
REORGANIZATION AND LAPSATION PROCESS updated May, 31, 2017**

BOARD RESOLUTION

The Board held a special meeting on April 3, 2017 at which the Board took action to select Lincoln School District as their preferred partner district in the lapsation. The meeting was well attended and many members of the public spoke to their preference for one or the other of the districts.

The Board subsequently passed a resolution at their May 4, 2017 meeting to document the reasons for their decision to select Lincoln District. (Attachment F). The Board also received a copy of a resolution from the Lincoln School District committing to partnering with Union in the lapsation process (Attachment G).

SUBSEQUENT EVENTS

Lincoln District expressed an interest in keeping the school site open for the 2017-18 year if sufficient pupils (determined as a minimum of six children) expressed a desire to attend. Four of the District's students disenrolled and left the District in November, 2016 and an additional pupil left the District mid-term in March, 2017. Of the remaining six pupils, two will age-out for the 2017-18 school year. The parents of the remaining four pupils still of age for 2017-18 have chosen schools in Sonoma County for the 2017-18 school year. Lacking the minimum number of students to operate next year, Union took the necessary steps to lay permanent staff off at the end of the 2016-17 school year.

The Lincoln District will be forming an advisory committee to assist in the management of the Union school facilities and requested the Union board to provide a list of interested community members.

**UNION JOINT SCHOOL DISTRICT REORGANIZATION
FINANCIAL TREND – ATTACHMENT B**

Union Joint School District - Financial Trend	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	Third Interim		Projection 2018-19
										Budget 2016-17	Projection 2017-18	
Revenue Limit/Local Control	127,683	127,861	112,650	115,874	110,633	120,772	146,138	146,133	145,945	145,965	145,965	145,672
Federal Revenues	20,059	28,948	26,927	24,501	20,424	20,039	20,295	20,651	20,443	20,182	17,941	17,700
Other State Revenues	33,601	32,652	41,558	26,901	28,554	31,220	4,496	6,771	53,247	9,506	8,063	8,063
Local Revenues	26,074	21,043	15,474	12,588	11,818	10,088	9,255	9,025	8,313	9,958	5,254	5,254
Total revenues	207,417	210,504	196,608	179,865	171,428	182,120	180,184	182,580	227,948	185,611	177,223	176,689
Certificated	57,646	61,508	70,450	67,765	70,602	72,952	74,852	82,273	82,197	100,613	86,768	86,768
Classified	23,412	32,963	22,386	22,649	24,653	26,438	30,335	25,899	25,480	29,360	27,891	29,077
Benefits	21,764	22,837	23,770	23,921	24,568	24,767	24,129	28,790	29,294	44,940	39,372	43,051
Supplies	26,833	20,326	21,252	11,890	9,784	8,514	9,314	14,003	15,118	9,282	7,832	7,832
Services	46,162	52,459	54,112	55,900	50,160	57,264	56,786	71,474	60,800	72,183	68,542	68,542
Capital Outlay	-	-	-	5,840	2,000	-	-	-	-	-	-	-
Transfers to agencies	6,558	9,469	10,322	11,516	7,201	7,608	11,146	17,348	30,145	44,933	40,107	44,118
Total expenditures	182,375	199,561	202,292	199,481	188,969	197,543	206,561	239,787	243,034	301,311	270,512	279,388
Net Change	25,042	10,943	(5,684)	(19,616)	(17,541)	(15,423)	(26,377)	(57,207)	(15,086)	(115,700)	(93,289)	(102,699)
Beginning fund balance	422,778	447,820	458,764	453,079	433,463	415,922	400,498	374,121	316,915	301,828	186,128	92,839
Ending fund balance	447,820	458,764	453,079	433,463	415,922	400,498	374,121	316,915	301,828	186,128	92,839	(9,860)
Ending balance components:												
Revolving cash	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Restricted	30,090	18,243	367	671	3,453	1,446	3,122	1,429	39,162	35,044	35,044	35,044
DEU	61,000	61,000	61,000	61,000	61,000	63,000	63,000	64,000	65,000	66,000	66,000	66,000
Board DEU	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	-
Unappropriated	305,731	328,521	340,712	320,793	300,469	285,052	256,999	200,486	146,666	34,084	(59,205)	(111,904)

UNION JOINT SCHOOL DISTRICT

RESOLUTION NO. 020717

STATE BOARD OF EDUCATION WAIVER TO VOLUNTARILY LAPSE THE DISTRICT

WHEREAS, the Union Joint Elementary School District (District) has suffered from a permanent reduction in general purpose funding;

AND WHEREAS, as a result of the reduction in funding, the District has been operating at a deficit for the last seven years;

AND WHEREAS, the District's fund balance reserves are estimated to be insufficient to meet minimum reserves in the second subsequent year of the 2016-17 multi-year budget projections;

AND WHEREAS, the County Superintendent of Schools conditionally approved the District's 2016-17 Adopted Budget due to insufficient reserves in the second subsequent year of the budget projection;

AND WHEREAS, the District is unable to reduce expenditures to balance the budget without jeopardizing the education and safety of students;

AND WHEREAS, the District has determined the best solution for providing a public school education for district students in the future is to reorganize with an adjacent school district;

AND WHEREAS, the District formed a Reorganization Subcommittee comprised of parents, community members, staff, and all three Board members to study and make recommendations to the Board on reorganizing the District;

AND WHEREAS, the District has studied the location and ease of access of all five (5) school districts that share boundaries with the District and has further determined that two (2) of the contiguous districts are located in areas that would cause hardship to parents and students residing within the District's geographical boundaries;

AND WHEREAS, the District has planned additional community forums in the Spring of 2017 to hear from the remaining three contiguous districts and community members;

AND WHEREAS, the District accepted the Reorganization Committee's recommendation to reorganize the District by lapsing the District into an adjacent school district;

AND WHEREAS, the District held a public hearing noticed in a newspaper of general circulation in the area to solicit public input on the issue of Lapsation and the associated education code waiver request at which there were no objections raised;

AND WHEREAS, the District intends to determine which of the three contiguous districts will be selected as the 'receiving' district in a lapsation no later than April of 2017;

AND WHEREAS, the District's pupil enrollment of seven (7) students in the 2016-17 school year will likely yield an amount of average daily attendance in excess of six (6) units;

NOW THEREFORE BE IT RESOLVED, the District does hereby request waiver of the following portions of Education Code Sections 35780, 35782 and 35783 identified in ***[bold italic]***:

Education Code 35780 (a) A school district that has been organized for more than three years shall be lapsed as provided in this article ***[if the number of registered electors in the school district is less than six or if the average daily attendance of pupils in the school or schools maintained by the school district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12]***, except that for any unified district that has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the school district for one year upon a written request of the governing board of the school district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.

Education Code 35782 ***[Within 45 days before the close of each school year,]*** the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance of the hearing to each member of the governing board of the lapsed district immediately before its lapsation, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

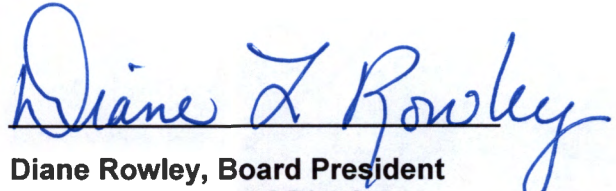
Education Code 35783 After the hearing, ***[and at least 30 days before the end of the school year,]*** the county committee shall order the territory annexed to one or more adjoining districts as seems to the county committee to be in the best interest of the adjoining districts and the residents of the lapsed district.

PASSED AND ADOPTED by the Board of Trustees of the Union Joint School District at a meeting held on the 7th day of February 2017, at a regular meeting the following vote:

AYES: 3

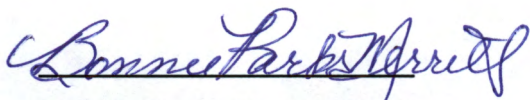
NOES: 0

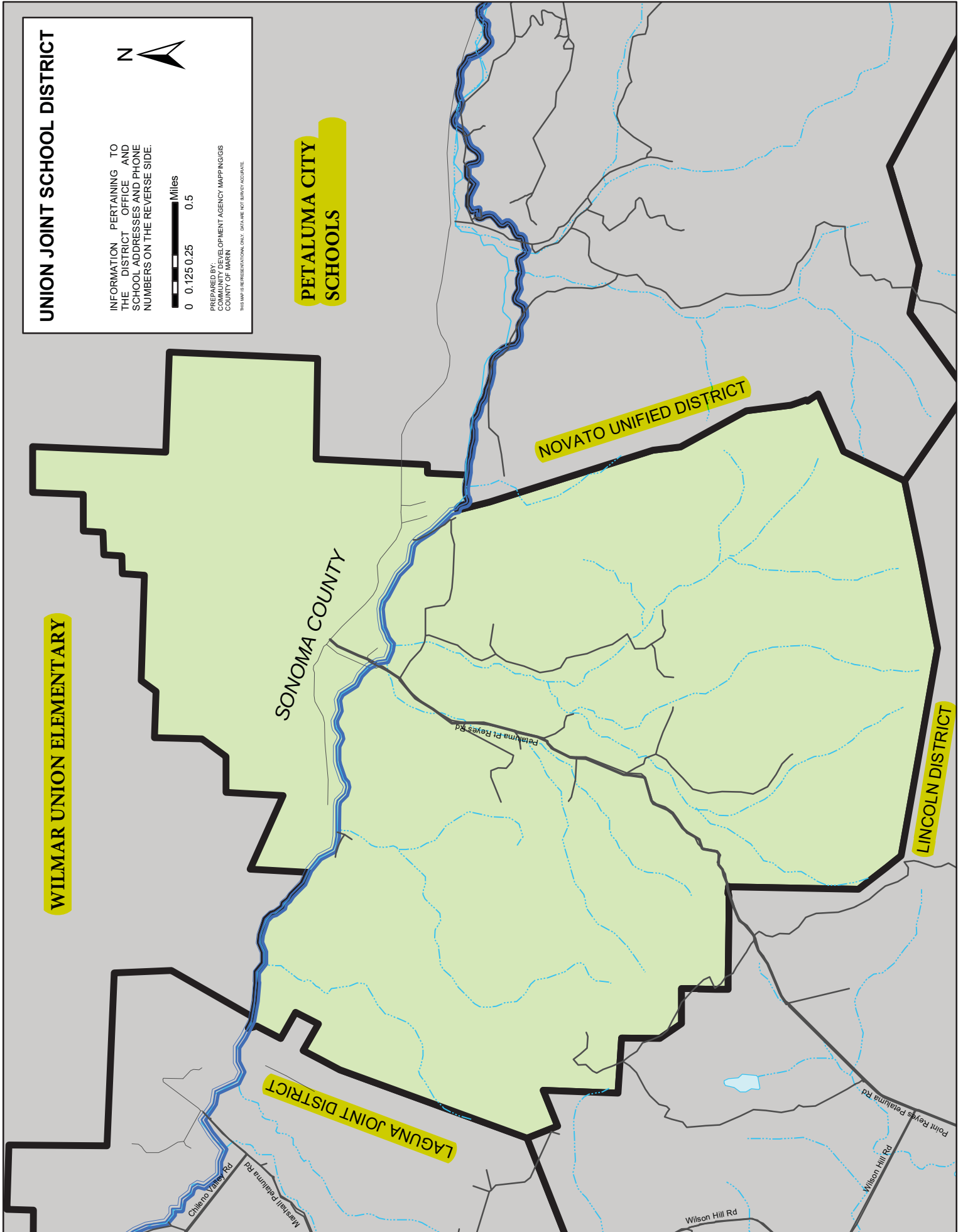
ABSENT 0


Diane Rowley, Board President
Union Joint School District

2-7-17
Date

ATTEST:


Bonnie Parks-Merrill, Clerk
Union Joint School District





UNION SCHOOL

5300 RED HILL ROAD, PETALUMA, CALIFORNIA 94952

Telephone: 707-762-2047

Union Joint School District Reorganization Priority Concerns

The Board took action to identify Priority Concerns they would like potential partner districts to consider in a reorganization as follows:

- Union School District requests a partner district to consider operating the school site with existing staff for the 2017-18 school year.
- Students residing in the existing Union attendance boundaries to continue to be allowed to attend alternate public schools on an inter-district transfer.
- The school facility and grounds will continue to be used for school purposes and be available for community use (i.e. 4 H and FFA meeting place).
- The school facility including infrastructure will continue to be maintained in good repair.
- Staff will have the protections granted in Education Code in the case of a reorganization. (The certificated staff has 10 + years of service while the classified staff will have 3 years of service at the end of the 2016-17 school year.)
- All students including those with exceptional needs will receive the same level of service as currently provided.
- The ability for the Union community to integrate into the new district including having input to the Board.
- The impact to property owners in the Union attendance area.

**BEFORE THE GOVERNING BOARD
OF THE
UNION JOINT SCHOOL DISTRICT
MARIN COUNTY, CALIFORNIA**

Resolution and Decision that the Union Joint)
School District Requests the Marin County)
Committee on School District Organization)
Lapse the District and Annex the District's)
Entire Territory to the Lincoln School District)
Effective July 1, 2017)

RESOLUTION NO. 050417

WHEREAS, the Union Joint School District (District) has submitted a waiver to the State Board of Education to allow the District to lapse; and

WHEREAS, the District took action to articulate the priority concerns they would like any potential partner District to consider in a reorganization which are as follows:

1. Assuming Union Joint School District ceases to exist on July 1, 2017, the district would like partner districts to consider operating the school site with existing staff for the 2017-18 school year.
2. Students residing in the existing Union attendance boundaries will continue to be allowed to attend alternate public schools on an inter-district transfer.
3. The school facility and grounds will continue to be used for school purposes and be available for community use (i.e. 4 H and FFA meeting place)
4. The school facility including infrastructure will continue to be maintained in good repair
5. Staff will enjoy the protections granted in education code in the case of a reorganization (The certificated staff has 10 + years of service while the classified staff will have 3 years of service at the end of the 2016-17 school year)
6. The needs of all students including those with exceptional needs will be addressed.
7. The ability for the Union community to blend into the new district including board input
8. The impact to property owners in the Union attendance area

WHEREAS, the District studied the location and ease of access of all five (5) school districts that share boundaries with the District and further determined that two (2) of the contiguous districts, namely the Novato Unified School District and the Laguna Joint School District, are located in areas that would cause hardship to parents and students residing within the District's geographical boundaries; and

WHEREAS, the District held a public hearing on March 28, 2017 to provide an opportunity for the remaining three contiguous districts, which are the Petaluma City Schools District, the Wilmar Union Elementary School District and the Lincoln School District, to make presentations to address the District's priority concerns related to the pending lapsation; and

WHEREAS, the Petaluma City Schools District declined the invitation to be considered as the successor district in the District's pending lapsation; and

WHEREAS, the Lincoln School District and the Wilmar Union Elementary School District both attended the District's public hearing and made presentations to address the District's priority concerns; and

WHEREAS, the District resolved through board action at the board meeting held on April 3, 2017 to select Lincoln School District as the successor district in the District's pending lapsation, and

WHEREAS, in accordance with Education Code Section 35560, upon lapsation of the District, the funds, property, and obligations of the District shall be allocated as follows:

(1) The real property and personal property and fixtures normally situated thereat shall be the property of the district in which the real property is located.

(2) All other property, funds, and obligations, except bonded indebtedness, shall be divided pro rata among the districts in which the territory of the former district is included. The basis for the division and allocation shall be the assessed valuation of the part of the former district which is included within each of the districts.

WHEREAS, in selecting the Lincoln School District as the sole successor district upon the District's lapsation, there is no need to divide property, funds or obligations; and

THEREFORE, be it resolved that the District requests

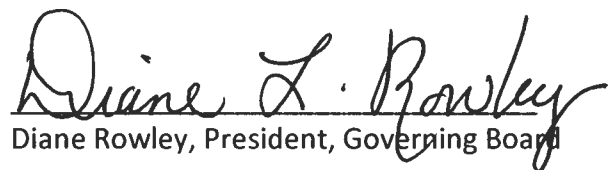
the Marin County Committee on School District Organization lapse the District and annex the District's entire territory to the Lincoln School District effective July 1, 2017.

Duly and regularly adopted this 4th day of May, 2017, by the following vote:

AYES: 3

NOES: 0

ABSENT: 0


Diane Rowley, President, Governing Board

I, Bonnie Parks-Merrill, Clerk of the Governing Board of the Union Joint School District, do hereby certify that the foregoing Resolution was regularly introduced, passed and adopted by the Governing Board at its meeting held on May 4, 2017.


Bonnie Parks-Merrill, Clerk, Governing Board

LINCOLN SCHOOL DISTRICT

RESOLUTION NO. 04122017-01

LINCOLN SCHOOL DISTRICT COMMITMENT TO REORGANIZE WITH UNION JOINT SCHOOL DISTRICT

WHEREAS, the Lincoln School District (Lincoln District) and the Union Joint School District (Union District) are both one-room school houses that have been operating since the 19th century serving students in West Marin; and

WHEREAS, the Lincoln District and the Union District share a long history of collaboration; and

WHEREAS, the Lincoln District shares a territory boundary with Union District; and

WHEREAS, the Union District notified contiguous districts of their pending lapsation; and

WHEREAS, the Lincoln District was invited to a public hearing of the Union District to address the priority concerns the Union District Board of Directors developed for consideration in their pending lapsation; and

WHEREAS, the Lincoln District Board of Directors convened a meeting to allow attendance of and presentation by the full board at the Union District public hearing on March 28, 2017; and

WHEREAS, the Lincoln District Board publicly stated their desire to become the partner in Union District's lapsation as a "sister" district also operating a historic one-room school house with a similar philosophy offering a similar educational program; and

WHEREAS, the Lincoln District is suffering from the same financial pressures of flat funding that underlies the Union District's pending lapse; and

WHEREAS, a reorganization of the Lincoln District with the Union District would allow the two districts to pool resources and preserve the historic local option of the one-room school house; and

WHEREAS, the Union Joint School District Board took action to select the Lincoln School District as the receiving district in the pending lapsation at their April 3, 2017 meeting;

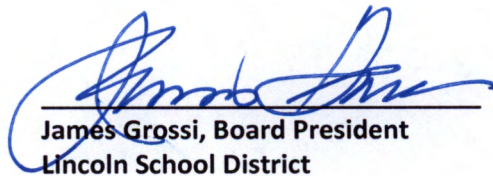
THEREFORE, be it resolved the Lincoln School District does hereby affirm their desire and commitment to partnering with the Union Joint School District with the reorganization to take effect on July 1, 2017 pending confirmation by the State Board of Education and the Marin County Committee on School District Organization.

PASSED AND ADOPTED by the Board of Trustees of the Lincoln School District at a meeting held on the 12th day of April 2017, at a regular meeting by the following vote:

AYES: 3

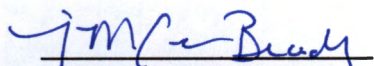
NOES: 0

ABSENT 0


James Grossi, Board President
Lincoln School District

April 12, 2017
Date

ATTEST:


Janeen Corda Brady, Clerk
Lincoln School District

ITEM #5b:

INFORMATIONAL ITEMS

California Department of Education (CDE) Union Lapsation Waiver Documents

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Waiver Request System

Confirmation

Print a copy of this confirmation page and retain it for your records.

District Information

Waiver number: 24-2-2017

District: Union Joint Elementary

Address: 5300 Red Hill Rd.

City: Petaluma

State: CA

Zip code: 94952

Fax:

Waiver Information

Period of request start date: 5/1/2017

Period of request end date: 6/30/2018

Is this waiver a renewal? No

Waiver topic: School District Reorganization

Ed Code title: Lapsation of a Small District

Ed Code section: 35780,35782 and 35783

Ed Code authority: 33050

Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law. 35780(a)A school district that has been organized for more than three years shall be lapsed as provided in this article [if the number of registered electors in the school district is less than six or if the average daily attendance of pupils in the school or schools maintained by the school district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12], except that for any unified district that has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the school district for one year upon a written request of the governing board of the school district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments. Education Code 35782 [Within 45 days before the close of each school year,] the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance of the hearing to each member of the governing board of the lapsed district immediately before its lapsation, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the

lapsed elementary district is a component. Education Code 35783 After the hearing, [and at least 30 days before the end of the school year,] the county committee shall order the territory annexed to one or more adjoining districts as seems to the county committee to be in the best interest of the adjoining districts and the residents of the lapsed district.

Student population 7

Located in a(n) Rural city

Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages. The passage of the new school funding formula in 2013-14 also made changes to education codes governing necessary small school funding. As a result of those changes, Union became ineligible to receive necessary small school block grant funding and revenues have been permanently frozen at 2012-13 levels which were subject to a deficit of approximately 20%. Union has been deficit spending since the cuts to school funding in 2009-10 and has almost exhausted their reserves. Expenditures cannot be reduced any further than they are without jeopardizing student learning and safety. The County Superintendent of Schools conditionally approved the District's 2016-17 Adopted Budget because it does not meet the minimum reserves in 2018-19. The only remedy available to the District is to reorganize with an adjacent district in a timely enough fashion to allow for the continued public education of resident students.

Public hearing

Date of public hearing: 2/7/2017

How was the required public hearing advertised? Published in newspaper (Press Democrat) on 1/26/2017 and posted at three places in the district

Approvals

Local board approval date: 2/7/2017

Please identify the school site council(s) or advisory committee that reviewed this waiver. Union Reorganization Committee

Date the committee/council reviewed the waiver request: 2/7/2017

Were there any objection(s) No

Bargaining Unit

No bargaining units were submitted.

Attachments

Audit penalty: No

CPM: No

Original File Name	New File Name
Union Resolution -Voluntarily lapse the district.pdf	2_16_2017_5_48_51_PMUnion_Resolution_-Voluntarily_lapse_the_district.pdf

Contact Information

Title: Ms.

First name: Kate

Last name: Lane

Position: Senior Director, Business Services

E-mail: klane@marinschools.org

Telephone: 415-499-5822

[Waiver Request System Logon](#)

[Waiver General Information](#)

Questions: Waiver Office | 916-319-0824

California Department of Education
1430 N Street
Sacramento, CA 95814

Web Policy

UNION JOINT SCHOOL DISTRICT

RESOLUTION NO. 020717

STATE BOARD OF EDUCATION WAIVER TO VOLUNTARILY LAPSE THE DISTRICT

WHEREAS, the Union Joint Elementary School District (District) has suffered from a permanent reduction in general purpose funding;

AND WHEREAS, as a result of the reduction in funding, the District has been operating at a deficit for the last seven years;

AND WHEREAS, the District's fund balance reserves are estimated to be insufficient to meet minimum reserves in the second subsequent year of the 2016-17 multi-year budget projections;

AND WHEREAS, the County Superintendent of Schools conditionally approved the District's 2016-17 Adopted Budget due to insufficient reserves in the second subsequent year of the budget projection;

AND WHEREAS, the District is unable to reduce expenditures to balance the budget without jeopardizing the education and safety of students;

AND WHEREAS, the District has determined the best solution for providing a public school education for district students in the future is to reorganize with an adjacent school district;

AND WHEREAS, the District formed a Reorganization Subcommittee comprised of parents, community members, staff, and all three Board members to study and make recommendations to the Board on reorganizing the District;

AND WHEREAS, the District has studied the location and ease of access of all five (5) school districts that share boundaries with the District and has further determined that two (2) of the contiguous districts are located in areas that would cause hardship to parents and students residing within the District's geographical boundaries;

AND WHEREAS, the District has planned additional community forums in the Spring of 2017 to hear from the remaining three contiguous districts and community members;

AND WHEREAS, the District accepted the Reorganization Committee's recommendation to reorganize the District by lapsing the District into an adjacent school district;

AND WHEREAS, the District held a public hearing noticed in a newspaper of general circulation in the area to solicit public input on the issue of Lapsation and the associated education code waiver request at which there were no objections raised;

AND WHEREAS, the District intends to determine which of the three contiguous districts will be selected as the 'receiving' district in a lapsation no later than April of 2017;

AND WHEREAS, the District's pupil enrollment of seven (7) students in the 2016-17 school year will likely yield an amount of average daily attendance in excess of six (6) units;

NOW THEREFORE BE IT RESOLVED, the District does hereby request waiver of the following portions of Education Code Sections 35780, 35782 and 35783 identified in ***[bold italic]***:

Education Code 35780 (a) A school district that has been organized for more than three years shall be lapsed as provided in this article ***[if the number of registered electors in the school district is less than six or if the average daily attendance of pupils in the school or schools maintained by the school district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12]***, except that for any unified district that has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the school district for one year upon a written request of the governing board of the school district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.

Education Code 35782 ***[Within 45 days before the close of each school year,]*** the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance of the hearing to each member of the governing board of the lapsed district immediately before its lapsation, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

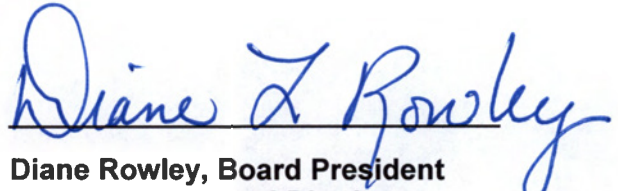
Education Code 35783 After the hearing, ***[and at least 30 days before the end of the school year,]*** the county committee shall order the territory annexed to one or more adjoining districts as seems to the county committee to be in the best interest of the adjoining districts and the residents of the lapsed district.

PASSED AND ADOPTED by the Board of Trustees of the Union Joint School District at a meeting held on the 7th day of February 2017, at a regular meeting the following vote:

AYES: 3

NOES: 0

ABSENT 0


Diane Rowley, Board President
Union Joint School District

2-7-17
Date

ATTEST:


Bonnie Parks-Merrill, Clerk
Union Joint School District

NOTICE OF PUBLIC HEARING

**Public Hearing
Tuesday, February 7, 2017, 5:00 p.m.
Union Joint Elementary School District
5300 Red Hill Rd.
Petaluma (Marin County)**

The purpose of the public hearing shall be to encourage participation by parents, teachers, and members of the community interested in the affairs of the district regarding input on the Board's proposed actions to lapse the district.

Date Posted January 26, 2017

1. Front gate to school property
2. Outdoor bulletin board
3. Front door to school

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Sonoma

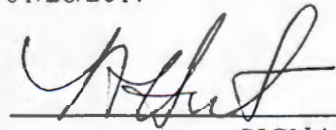
I am a citizen of the United States and a resident of the county aforesaid: I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of The Press Democrat, a newspaper of general circulation, printed and published DAILY IN THE City of Santa Rosa, County of Sonoma; and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sonoma, State of California, under the date of November 29, 1951, case number 34831, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates to wit:

The Press Democrat - Legal Notices
1/26 1x - 01/26/2017

I certify (or declare) under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Dated at Santa Rosa, California, on

01/26/2017



SIGNATURE

This space for County Clerk's Filing Stamp

Proof of Publication of

Public Hearing Notice

Union Joint School District will be holding a Public Hearing on February 7, 2017 at 5:00 p.m. at 5300 Red Hill Road, Petaluma, CA, 94952 for the purpose of soliciting public input on the Board's proposed actions to lapse the district.

2766021 - Pub Jan 26, 2017 1ti.



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2017 AGENDA

☒ **General Waiver**

SUBJECT Request by Union Joint Elementary School District to waive portions of California <i>Education Code</i> sections 35780, 35782, and 35783 regarding district lapsation. Waiver Number: 24-2-2017	☒ Action ☒ Consent
---	---

SUMMARY OF THE ISSUES

The Union Joint Elementary School District (JESD), with a current enrollment of seven, serves kindergarten through sixth grade students and operates under the jurisdiction of the Marin County Superintendent of Schools (County Superintendent). The district has been deficit-spending for a number of years and has almost exhausted its reserves. Both the County Superintendent and the Union JESD believe the only fiscal alternative for the district is to annex to an adjacent district. If the California State Board of Education (SBE) approves the waiver request, the Union JESD will lapse into an adjacent district for either the 2017–18 or 2018–19 school-year (the recipient district and effective date will be determined by a local analysis of what is in the best interests of affected students and districts).

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the SBE approve the request by the Union JESD to waive portions of *EC* sections 35780, 35782, and 35783 regarding district lapsation.

SUMMARY OF KEY ISSUES

EC Section 35780 requires each county committee on school district organization (county committee) to “lapse” an elementary school district if that district’s average daily attendance (ADA) in first through eighth grade falls below six. Under this requirement, the county committee must dissolve the district and annex it to one or more adjacent districts. *EC* Section 35782 requires the county committee to initiate the lapsation process within 45 days of the end of the school year while *EC* Section 35783 requires county committee final action at least 30 days before the end of the school year.

The Union JESD has been under financial stress for a number of years. Changes to necessary small school (NSS) funding provisions under the Local Control Funding Formula resulted in the district becoming ineligible to receive NSS funding. Consequently, the district's funding is not expected to exceed 2012–13 levels. Due to this funding issue, the district has been deficit spending for years and reserves are almost exhausted. Both the Union JESD and the County Superintendent agree that district expenditures cannot be reduced below current levels without jeopardizing student learning and safety; and further agree that the only remedy available is to annex Union JESD into an adjacent district.

Waiver of the listed portion of *EC* Section 35780 will require the Marin County Committee to lapse the Union JESD, regardless of district enrollment. Waiver of the time periods listed in *EC* sections 35782 and 35783 will provide the district, the County Superintendent, and the County Committee the flexibility to analyze all options available and determine the adjacent district most suitable and the school year most appropriate for the annexation.

In summary, SBE approval of the waiver request as described will require the Marin County Committee to lapse the Union JESD effective 2017–18 or 2018–19, and will provide the district and the county with the time and flexibility to determine which adjacent school district and which fiscal year are most appropriate for affected students and districts.

The CDE recommends that the SBE approve the request by the Union JESD to waive portions of *EC* sections 35780, 35782, and 35783 regarding district lapsation. There has been no local opposition to the waiver request reported and the CDE has determined that none of the grounds specified in *EC* Section 33051(a) that authorize denial of a waiver, exist.

Demographic Information:

The Union JESD has a student population of seven and is located in a rural area of Marin County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar waivers—most recently for lapsation of the Citrus South Tule Elementary School District in Trinity County at the January 2015 SBE meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Union Joint Elementary School District General Waiver Request
24-2-2017 (2 pages) (Original waiver request is signed and on file in the
Waiver Office.)

Summary Table

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
24-2-2017	Union Joint Elementary School District	Requested: May 1, 2017, to June 30, 2018 Recommended: May 1, 2017, to June 30, 2018	The Union Joint Elementary School District has no bargaining units.	2/7/2017	Notice published in local newspaper (Press Democrat) on 1/26/2017 and posted at three places in the district.	Reviewed by the Union Reorganization Committee: 2/7/2017. No objections

Created by California Department of Education
February 21, 2017

**California Department of Education
WAIVER SUBMISSION - General**

CD Code: 2165516

Waiver Number: 24-2-2017

Active Year: 2017

Date In: 2/16/2017 5:52:42 PM

Local Education Agency: Union Joint Elementary
Address: 5300 Red Hill Rd.
Petaluma, CA 94952

Start: 5/1/2017

End: 6/30/2018

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Lapsation of a Small District
Ed Code Section: 35780, 35782 and 35783
Ed Code Authority: 33050

Ed Code or CCR to Waive: 35780(a) A school district that has been organized for more than three years shall be lapsed as provided in this article [if the number of registered electors in the school district is less than six or if the average daily attendance of pupils in the school or schools maintained by the school district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12], except that for any unified district that has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the school district for one year upon a written request of the governing board of the school district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.

Education Code 35782 [Within 45 days before the close of each school year,] the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance of the hearing to each member of the governing board of the lapsed district immediately before its lapsation, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

Education Code 35783 After the hearing, [and at least 30 days before the end of the school year,] the county committee shall order the territory annexed to one or more adjoining districts as seems to the county committee to be in the best interest of the adjoining districts and the residents of the lapsed district.

Outcome Rationale: The passage of the new school funding formula in 2013-14 also made changes to education codes governing necessary small school funding. As a result of those changes, Union became ineligible to receive necessary small school block grant funding and revenues have been permanently frozen at 2012-13 levels which were subject to a deficit of approximately 20%. Union has been deficit spending since the cuts to school funding in 2009-10 and has almost exhausted their reserves. Expenditures cannot be reduced any further than they

are without jeopardizing student learning and safety. The County Superintendent of Schools conditionally approved the District's 2016-17 Adopted Budget because it does not meet the minimum reserves in 2018-19. The only remedy available to the District is to reorganize with an adjacent district in a timely enough fashion to allow for the continued public education of resident students.

Student Population: 7

City Type: Rural

Public Hearing Date: 2/7/2017

Public Hearing Advertised: Published in newspaper (Press Democrat) on 1/26/2017 and posted at three places in the district

Local Board Approval Date: 2/7/2017

Community Council Reviewed By: Union Reorganization Committee

Community Council Reviewed Date: 2/7/2017

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kate Lane

Position: Senior Director, Business Services

E-mail: klane@marinschools.org

Telephone: 415-499-5822

Fax:



CALIFORNIA
DEPARTMENT OF
EDUCATION

ATTACHMENT K

TOM TORLAKSON

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

May 17, 2017

Kate Lane
Union Joint Elementary School District
5300 Red Hill Rd.
Petaluma, CA 94952

Dear Ms. Lane:

This letter serves as the official disposition notice of the waiver request submitted for consideration at the State Board of Education (SBE) meeting on May 11, 2017.

Waiver #: 24-2-2017-W-10 **Period Recommended:** 5/1/2017 to 6/30/2018

EC Section: 35780, 35782 and 35783

EC Authority: 33050

Title: Request by **Union Joint Elementary School District** to waive portions of California *Education Code* sections 35780, 35782, and 35783 regarding district lapsation.

Disposition: Approved

If you have any questions about this waiver request or need further assistance with waiver requests to the SBE, please call the California Department of Education Waiver Office at 916-319-0824.

Sincerely,

Christine Plumb-Gordon

Christine Plumb-Gordon, Consultant
Waiver Office

CPG:ks

ITEM #5c:

INFORMATIONAL ITEMS

County Committee on School District Organization (CCSDO) Reference Documents

- ◆ CCSDO Lapsation Process Pursuant to Education Code §35500; 35780-35787 **[Attachment L]**
- ◆ California Education Code Sections, 35780-35787 **[Attachment M]**
- ◆ California Department of Education (CDE) District Organizational Handbook – State Board Waiver and Lapsation **[Attachment N]**

Education Code waived by State Board of Education (SBE) identified by green highlight.

Education Code Section 35500.

It is the intent of the Legislature to utilize the organization of districts as they existed on January 1, 1981, and local educational needs and concerns shall serve as the basis for future reorganization of districts in each county.

Education Code Section 35780(a).

(a) A school district that has been organized for more than three years shall be lapsed as provided in this article [if the number of registered electors in the school district is less than six or if the average daily attendance of pupils in the school or schools maintained by the school district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12]...

EC Section 35782. Public hearing notice

[Within 45 days before the close of each school year], the county committee shall conduct a public hearing on the issues specified in Section 35780 Notice of the public hearing shall be given at least 10 days in advance of the hearing to each member of the governing board of the lapsed district immediately before its lapsation, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

* SBE waived the 45 days

COUNTY COMMITTEE HOLDS PUBLIC HEARING

June 5, 2017

Public Hearing on the Lapsation and Annexation of Union Joint Elementary School District

EC Section 35783. Order; annexation of territory of lapsed district to one or more adjoining districts

After the hearing and [at least 30 days before the close of each school year], the county committee shall order the territory annexed to one or more adjoining districts as seems to the county committee to be in the best interest of the adjoining districts and the residents of the lapsed district

* SBE waived the 30 days

COUNTY COMMITTEE TAKES ACTION

June 7, 2017

The County Committee takes Action on Lapsation and Annexation

EC Section 35785. Notice of board action

Following the order of the county committee, the county superintendent of schools shall give notice to the county board of supervisors and to the State Board of Education

EC Section 35786. Order attaching territory of lapsed school district to adjoining district

An order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the [July 1 after date of the order]

* SBE waived July 1, 2017 effective date

COUNTY COMMITTEE ACTION

Issue a resolution, attaching the territory of lapsed school district to one or more adjoining school district(s) [effective on the July 1] after date of the order

* SBE waived July 1, 2017 effective date



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EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100] (Title 2 enacted by Stats. 1976, Ch. 1010.)

DIVISION 3. LOCAL ADMINISTRATION [35000 - 45460] (Division 3 enacted by Stats. 1976, Ch. 1010.)

PART 21. LOCAL EDUCATIONAL AGENCIES [35000 - 35787] (Part 21 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 4. Reorganization of School Districts [35700 - 35787] (Chapter 4 added by Stats. 1980, Ch. 1192, Sec. 3.)

ARTICLE 5. Lapsation [35780 - 35787] (Article 5 added by Stats. 1980, Ch. 1192, Sec. 3.)

35780. (a) A school district that has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the school district is less than six **or if the average daily attendance of pupils in the school or schools maintained by the school district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12**, except that for any unified district that has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the school district for one year upon a written request of the governing board of the school district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.

(b) For a new district that has been unable to provide the school facilities necessary for instructional services by employees of the school district to all of the pupils who are residents of the school district after five years from the date that the reorganization became effective, the county committee on school district organization, upon direction from the state board, shall initiate lapsation procedures pursuant to Section 35783 or revert the reorganized district to its original status.

(c) A school district may also be lapsed when there are no school facilities or sites on which to maintain any school in the school district.

(Amended by Stats. 2016, Ch. 186, Sec. 35. Effective January 1, 2017.)

35780.1. For purposes of this article, the following terms have the following meanings:

(a) "Lapse" means dissolving a school district and annexing the entire territory of that school district to one or more adjoining school districts.

(b) "Lapsation" means an action to lapse as defined by this section.

(Amended by Stats. 2016, Ch. 186, Sec. 36. Effective January 1, 2017.)

35781. The attendance of pupils residing in a unified district in high schools in an adjoining state pursuant to Section 44618 or Article 1 (commencing with Section 2000) of Chapter 7 of Part 2, shall be deemed for the purposes of this article to be in high schools established and maintained by the unified district.

(Repealed and added by Stats. 1980, Ch. 1192, Sec. 3.)

35782. **Within 45 days before the close of each school year**, the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance of the hearing to each member of the governing board of the lapsed district immediately before its lapsation, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

(Amended by Stats. 2014, Ch. 327, Sec. 6. Effective January 1, 2015.)

35783. After the hearing, **and at least 30 days before the end of the school year**, the county committee shall order the territory annexed to one or more adjoining districts as seems to the county committee to be in the best interest of the adjoining districts and the residents of the lapsed district.

(Amended by Stats. 2014, Ch. 327, Sec. 7. Effective January 1, 2015.)

35784. If the county committee orders the territory of a lapsed district annexed to more than one adjoining district, it may provide for such a division of the funds, property, and obligations of the lapsed district as it deems most equitable in

the circumstances. If no division is provided for by the committee, the general provisions of Article 7 (commencing with Section 35560) of Chapter 3 shall apply to the division of funds, property, and obligations of the lapsed district.

(Added by Stats. 1980, Ch. 1192, Sec. 3.)

35785. Following the order of the county committee, the county superintendent of schools shall give notice of the board action to the county board of supervisors and to the State Board of Education.

(Added by Stats. 1980, Ch. 1192, Sec. 3.)

35786. An order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the July 1 after date of the order. Notwithstanding Section 35534, the effective date of the order is not subject to compliance with Section 54900 of the Government Code. Compliance with Section 54900 of the Government Code is required by December 1 of the year in which the order is made.

(Amended by Stats. 2014, Ch. 327, Sec. 8. Effective January 1, 2015.)

35787. Except as otherwise provided in this article, an action to lapse a school district is subject to the provisions of Chapter 3 (commencing with Section 35500), and the county committee may add to its order to lapse a school district, pursuant to Section 35783, appropriate provisions specified in Article 3 (commencing with Section 35730).

(Amended by Stats. 2012, Ch. 589, Sec. 3. Effective January 1, 2013.)

California Department of Education
School District Organization Handbook
September 2016

Excerpts from CHAPTER 5

REORGANIZATION OF SCHOOL DISTRICTS IN CALIFORNIA

A. Introduction

2. Basic Types of Reorganization

Four types of reorganization are most common:

d. Lapsations of districts: When certain conditions are met (most typically when the average daily attendance of a district falls below specified levels), the county committee on school district organization is required to lapse the district and annex its entire territory to one or more adjoining districts. (*EC 35780*)

5. State Board of Education Waiver Authority

As noted in Chapter 4, the State Board of Education has authority to waive many provisions of the *Education Code* and accompanying regulations (*EC 33050 et seq.*). Almost all school district organization procedures described in this chapter may be waived if the State Board of Education approves a properly completed local request for waiver. The most common requests by districts are to waive required elections, effective dates of reorganizations, and the conditions to initiate lapsation.

B. Process:

LAPSATION OF SCHOOL DISTRICTS

1. Conditions for lapsation of districts that have been organized for at least three years (*EC* Section 35780[a]).
 - a. The number of registered electors in the district is below six; or
 - b. The average daily attendance of students in the school or schools maintained by the district¹ is less than six² in grades 1³ to 8; or
 - c. The average daily attendance of students in the school or schools maintained by the district¹ is less than 11² in grades 9 to 12, except that the Board of Supervisors⁴ will defer lapsation up to three times upon request of the governing board of a unified school district operating at least one senior high school.
2. Other conditions for lapsation of districts (*EC* 35780[b] and [c]).
 - a. A newly organized school district that has been unable to provide schools necessary to provide instructional services of the district to all resident students within five years of the effective date of the reorganization (lapsation initiated upon direction of the State Board of Education).
 - b. A school district that has no facilities or sites on which to maintain any school in the district.
3. Any school district meeting one of the conditions in the above sections 1 and 2 shall be lapsed by the county committee as follows:
 - a. Within 30 to 45 days prior to the end of the school year, the county committee will conduct a public hearing to consider the conditions related to lapsation.
 - b. Following the public hearing, and at least 30 days before the end of the school year, the county committee will order the territory of the lapsed district annexed to one or more adjoining school districts, as

¹ When there are charter schools in the district, the County Committee will need to determine if the charter school is a school “maintained by the district.”

² *EC* Section 46303 addresses fractional units of average daily attendance (i.e., “rounding”).

³ Note that students in kindergarten are not included in determining average daily attendance.

⁴ Board of Supervisors responsibility may have shifted to the County Board of Education pursuant to *EC* Section 1080.

determined by the county committee to be in the best interests of the adjoining districts and residents of the lapsed district.

- c. The order of the county committee to lapse the district may contain any of the appropriate provisions specified in *EC* sections 35730 to 35738.
 - d. The lapsation and subsequent annexation(s) will be effective on July 1 (the first day of the next school year).
4. The lapsation and subsequent annexation(s) are effective without the required filing of maps and boundary descriptions of the reorganized districts with the California State Board of Equalization (*Government Code* Section 54900). As such, the county office of education will need to work with the county assessor and/or controller during the initial school year to ensure that collected property taxes are assigned to the appropriate school districts. Maps and boundary descriptions must be filed with the Board of Equalization by December 1st following the county committee's lapsation order. Such filing will ensure that property tax rolls are updated for the second school year following lapsation. It also is recommended that the boundary changes be filed with the agencies listed in the following Section C (paragraph 8).