

# School District Reorganization: Role and Function of County Committee

Presentation to

## San Bernardino County Committee on School District Organization

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*Transforming lives through education*



## People think of school districts as stable, permanent governmental entities, but ...

- School district types, boundaries, and grade spans **can change**
  - ✓ Territory is transferred from one school district to another
  - ✓ Districts are divided or combined with their neighbors
  - ✓ Some districts are terminated
- The number and manner in which governing board members are elected **can change**

Adapted from material provided by



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Atkinson, Andelson  
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## What is the County Committee on School District Organization?

The County Committee on School District Organization has responsibility for considering **proposals to change the organization** of one or more school districts.

*There is in each county, except a county which is also a city and county, a county committee on school district organization ...*

*Education Code 4000*

Specifically, the County Committee deals with:

1. Organizational changes to **district boundaries and/or unification**
2. Organizational changes to **trustee elections**



## Role and Function of County Committee on School District Organization

All California County Committees review the same types of issues:

- \* Unifications (including lapsations)
- \* Transfers of Territory
- \* Governing Board structure and voting issues (such as trustee areas and size of governing board)

County Committees have broad authority under the Education Code, but **not for waiver requests** to the State Board of Education



## San Bernardino County Committee on School District Organization

1. Consists of **11 members**—two from each supervisorial district and one member elected at-large.
2. **Terms of office** are for four years. Terms are staggered with elections held annually in conjunction with the Fall Meeting of the San Bernardino County School Boards Association.
3. County Committee members **cannot** be employed full or part-time by a school district in **any** county, community college district, or county superintendent, either in a classified or certificated position.

Provisions in Education Code Section 4007 allow any member of the governing board of a school district or community college district to simultaneously serve as a member of the County Committee.



## Types of School Districts

### Elementary School District

Grades K-6, may include grades 7-8

### High School District

Grades 9-12, may include grades 7-8

### Unified School District

Grades K-12

Other terms

**Joint**—territory in more than one county

**Union**—a district composed of two or more school districts situated in the same county (like a high school district with elementary “feeder” districts)

✓ Example: Chaffey Joint Union High School District





## Basic Types of Reorganization

Three types of reorganization are most common:

- \* **Transfer** of a portion (or portions) of one district to another. Annexations and unionizations are special cases of a territory transfer where an entire district is transferred to another district
- \* **Unification** that involves reorganizing entire elementary and high school districts or portions of them into unified districts serving kindergarten through grade twelve or reorganizing or splitting existing unified districts
- \* **Unification** where one of the feeder elementary school districts is completely within a high school district and is excluded from action to unify the portion of the high school district in which it is contained (*Education Code 35542*)



## Organization Changes to District Boundaries

**Certain changes to school district boundaries are not considered reorganizations of districts.** These changes are merely corrections and relocations of boundary lines that conflict or are incorrectly described or that are indefinite or conflict with lines of assessment because of the resubdivision of land or other property change.

In these cases the Board of Supervisors may correct and relocate the boundaries to follow definite, established property lines.

When such changes are made, local, county, and state government agencies are required to be notified.



## Initiating the Petition

Reorganization\* proposals initiated by:

- ✓ **25% petition**  
(or a Governing Board resolution)
- ✓ **10% petition**  
(or a resolution from certain local agencies)
- ✓ **County Committee directed plan and recommendation**



\* Action to form a new school district through any combination of dissolving two or more of the same school districts, forming one or more new school districts, unifying school districts, deunifying a school district, or action to transfer territory all or part of an existing school district to another district.



## Assistance to Petitioners

The County Superintendent **may** provide:

- ✓ Information and guidance to potential petitioners
- ✓ Procedural advice
- ✓ Information and assistance for meetings, information/briefing sessions

Education Code 35700.1



## Review of Petition

- ✓ Petition is filed with County Superintendent
- ✓ County Superintendent has 30 days to examine and determine if it is “sufficient and signed as required by law”
- ✓ If the petition is sufficient, the County Superintendent transmits it to the County Committee and State Board of Education

Education Code 35704



## Territory Transfers or Unification

### Initiating the Petition by 25% or by Governing Board resolutions

#### Initiation of Proposals for **Territory Transfer** (Educ. Code 35700)

- \* Petition signed by the owner(s) of **uninhabited** territory; or,
- \* Petition signed by at least **25 percent\*** of the registered voters in the **inhabited territory** proposed to be reorganized (if the territory proposed for reorganization is located within two or more school districts, the signatures of at least 25 percent of the registered voters from that territory in each school district are required); or,
- \* **Petition signed by a majority** of the members of the governing boards of all affected districts

\* Or 8 percent to reorganize a district with over 200,000 ADA into two or more districts



## Territory Transfers or Unification

### Initiating the Petition by 10% or by certain local agencies

#### Initiation of Proposals for Territory Transfer

(Educ. Codes 35720 and 35721)

- \* Petition signed by at least **10 percent** of the registered voters of the **entire school district**; or,
- \* Petition signed by at least 5 percent of the registered voters to reorganize a district with over 200,000 ADA into two or more districts; or,
- \* **Resolution approved by** a majority of the members of a city council, county board of supervisors, governing body of a special district, or local agency formation commission.



## Unification

### Estimated Petition Timeline in Days\*

- |   |                                       |
|---|---------------------------------------|
| * Gather petition   | 90 days                               |
| * Petition verified   | 30 days                               |
| * County Committee  | Hearing 60 days                       |
| * County Committee Study  | 120 days                              |
| * SBE Study and Hearing   | 120 days (or more based on backlog)   |
| * Election order delivered                                      | 35 days                               |
| * County Clerk  | 120 days                              |
| * From a November Election to the effective date of unification | <u>235 days</u>                       |
|   | 810 days (2.2 years) . . . or longer! |

\* Timelines may be extended to meet CEQA study requirements



## When is an Election Needed ?

- For all unifications, no exceptions
- For all territory transfers with two exceptions:
  1. The territory is **uninhabited** and the majority of owners and all **affected Governing Boards agree to the transfer** and the conditions of Educ. Code 35753 (i.e., the nine criteria) are substantially met
  2. The territory is inhabited, **comprises less than 10% of assessed valuation of the district** from which the territory is being transferred **and** all affected Governing Boards agree to the transfer, **and** the conditions of Educ. Code 35753 are substantially met

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## State's Nine Reorganization Criteria\*

State Board of Education may approve proposals for the reorganization of districts, if the board has determined that **all of the following conditions are substantially met**

1. Adequacy of size (generally, at least 1,501 enrollees)
2. Substantial community identity
3. Equitable division of property and facilities
4. Not promote racial or ethnic discrimination or segregation \*\*
5. No substantial increase in state costs

Education Code 35753

\* Applies to territory transfers and unifications

\*\* Technical changes apply under SB 148

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## State's Nine Reorganization Criteria\* (continued)

6. No disruption of the educational programs \*\*
7. No significant increase in school housing costs
8. Not primarily designed to result in a significant increase in property values
9. Not cause a substantial negative effect on the fiscal management or fiscal status of the affected districts \*\*

Plus any other State Board of Education (SBE) criteria prescribed by regulation

Education Code 35753

\* *Applies to territory transfers and unifications*

\*\* *Technical changes apply under SB 148*



## Senate Bill 148

Enacts **numerous provisions** under the Local Control Funding Formula (LCFF) specifying computations to determine the funding of school districts that are, or proposed to be, affected by the various types of actions that may be undertaken to reorganize districts.

SB 148 signed into law by Governor Brown on October 2, 2015

The new law became effective on January 1, 2016

Some provisions of SB 148 are in transition until school districts are fully funded under LCFF

Guidance from the California Department of Education is pending



## What is LCFF?

LCFF stands for the **Local Control Funding Formula**

- The 2013-2014 State Budget **eliminated** revenue limit funding and funding for dozens of categorical programs
- In its place is a **major restructuring** of school finance called the LCFF, which is accompanied by required district plans called the Local Control and Accountability Plan (LCAP)
- LCAP must be aligned with school district budget approval



## What is LCFF? (continued)

Funding components of LCFF:

**Base grant**

**Supplemental grant\***

**Concentration grant\*** (if district qualifies)

Adjustment funding for grade span, etc.

Augmented funding for transportation, etc.

Special education and a few categorical programs remain as separate funds

\* Determined by unduplicated count of low income, English learners, and Foster Youth



## Charter Schools

### Charter Schools

- \* Generally, charter school issues bypass the County Committee on School District Organization even for elementary districts that charter secondary schools
- \* Exception:
  - ✓ One or more districts with charter schools involved in a transfer of territory or unification



## Questions on Territory Transfers or Unifications?



## Trustee Areas and Size of School District Governing Boards

With a few exceptions, the County Committee **may\***:

- \* Establish trustee areas
- \* Rearrange the boundaries of trustee areas
- \* Abolish trustee areas
- \* Increase to seven or decrease to five the number of governing board members

\*Education Code 5019



## Process to Change Election of School Trustees

Three methods can initiate the school district change from an at-large election system to either of the other two options:

- ✓ Initiated by **petition** of the **electorate**
- ✓ Initiated by resolution of the school district **governing board**
- ✓ Initiated by the **County Committee**

Education Code 5019



## Trustee Areas and Size of School District Governing Boards

When a proposal is made, the County Committee **shall call and conduct at least one hearing** in the district on the matter.

At the conclusion of the hearing, the County Committee shall approve or disapprove the proposal.

If approved, the proposal must be submitted to the district's voters no later than the next succeeding election for members of the Governing Board (unless the school district receives a State Board of Education waiver).

Education Codes 5019 and 5020

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## California Voting Rights Act Senate Bill 976

- \* Enacted in 2002 (took effect January 1, 2003)
- \* Elections Codes 14025 to 14032
- \* Provides that an **at-large method of election** may not be imposed or applied in a manner that **impairs the ability of a protected class to elect candidates of its choice** or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class.

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## California Voting Rights Act

Districts with at-large voting **may** be in violation of CVRA if:

- \* They **appear to have racially polarized voting**, preventing minority candidates from succeeding in elections
- \* At-large voting **methods discourage minority candidates** from running
- \* There is evidence (or the perception) of **undermining of voting rights**



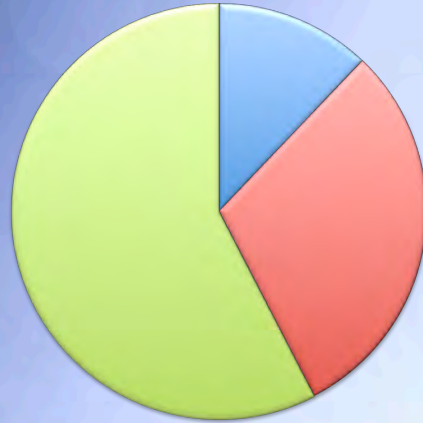
## At-Large, From-District, and By-District Elections

	Candidates Must Reside:	Officeholders Elected By:
At-Large Elections	In the jurisdiction	All voters in the jurisdiction
“From-District” Elections	In a specific electoral district	All voters in the jurisdiction
“By-District” Elections	In a specific electoral district	Only voters in the district



### Imaginary Unified School District

School District Map and Demographic Breakdown

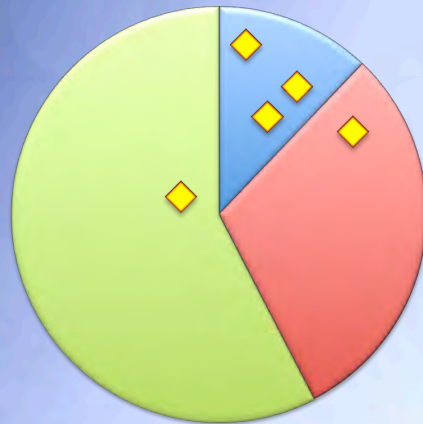


- High income, low diversity
- Average income, moderate diversity
- Low income, high diversity



### Imaginary Unified School District

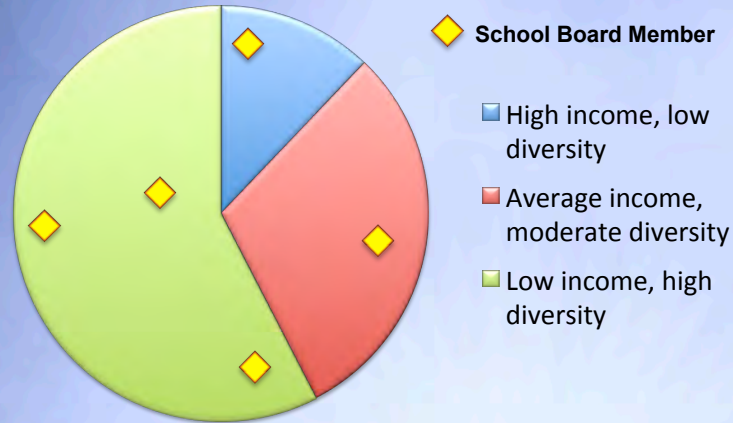
School Board Member



- School Board Member
- High income, low diversity
- Average income, moderate diversity
- Low income, high diversity



### Imaginary Unified School District



## California Voting Rights Act Safe Harbor

A jurisdiction that elects “by-district” risks no liability under the CVRA. “By-district” also means elections by trustee area.

### School Elections in **San Bernardino County**:

- ✓ County Board of Education is elected **by-district**
- ✓ Most school districts have **at-large** elections
- ✓ A few school districts have **from-district** elections
- ✓ Two school districts have **by-district** elections (2018)
- ✓ One community college district changed to **by-district** elections in 2014



## Role of County Committee in CVRA Petitions

Changes in governance structure (such as moving from at-large voting to trustee area voting) requires the approval of the County Committee (unless it is a direct ballot initiative)

- \* Education Code 5019 describes who may submit a petition
- \* Committee reviews the petition (from a district, the public, or the Committee's own petition), the administrative record, and trustee area maps
- \* Committee may engage the services of outside experts
- \* Committee holds public hearings in impacted district(s)
- \* Committee acts to approve or disapprove the proposal



## California Voting Rights Act School District Options

Conduct Self-Assessment of Potential Liability

Change Election System voluntarily (**normal process**)

Caveat: moving to “by-district” will protect you from CVRA,  
but not necessarily federal voting rights litigation

Litigation (**court process**)



## Changing Method of School Trustees Elections

If a district decides to adopt districts/electoral areas:

- \* Adopt criteria
- \* Conduct public hearings to get community input
- \* Multiple draft plans
- \* Fine tune final plan in response to feedback
- \* School Board adopts resolution requesting the change

School districts require approval of County Committee

Generally requires majority vote of jurisdiction's residents (school districts may seek waiver of election requirement from State Board of Education)

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## Changing Method of School Trustees Elections (continued)

A demographer can assist the school district with dividing the district into Trustee Areas based upon a number of factors:

1. Constitutional "one person, one vote"
2. Communities of Interest
3. Natural and man-made boundaries
4. Federal Voting Rights Act Compliance Citizen Voting Age Population
5. Respecting Incumbency
6. Other Factors

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## Trustee Areas and Size of School District Governing Boards

- \* When a proposal is made, the County Committee **shall call and conduct at least one hearing** in the district on the matter
- \* At the conclusion of the hearing, the County Committee approves or disapproves the proposal (in Los Angeles County, the Committee may direct staff to do a feasibility study before voting to approve or disapprove CVRA/trustee area petitions)
- \* If approved, the proposal must be submitted to the District's voters not later than the next succeeding election for members of the Governing Board **unless** the school district receives a State Board of Education waiver

Community college districts have a separate process



## Trustee Areas and Size of School District Governing Boards (continued)

To avoid the expense and uncertain outcome of an election on whether to change its election process, **the district may file** with the State Board of Education (SBE) a request to waive the election requirement

The application needs to reflect whether the exclusive representatives of the district's employees have been involved in the preparation of the waiver request, and their position thereon

Completing the process may take from **four** to **six** months and involves at a minimum of two school board meetings



## Court Process to Change Election of School Trustees

- \* District does have first opportunity to draft a plan, but court must approve
- \* Plaintiffs have a right to participate in court hearings on the plan
- \* No need for majority vote of jurisdiction residents or waiver by State Board of Education
- \* Attorney fee awards to prevailing plaintiffs



## CVRA Cases are a Battle of Experts

- \* Debate is over databases and methodologies
- \* Expect weeks of depositions and days of testimony
- \* Very specialized experts and attorneys
- \* Even if a district wins, it may spend \$500,000 to over a million dollars on the defense



## Other Costs for Changes to Election of School Trustees

- \* Whenever a proposal to initiate a change in trustee area boundaries is submitted to a County Committee by resolution of the governing board of a district, and the proposal is approved, the **costs of preparing, developing, and duplicating the maps and legal descriptions shall be borne by the district.**
- \* The county superintendent shall also prepare and keep in his or her office a record of all actions taken by the County Committee in connection with trustee area boundaries.

Education Code 5031



## AB350 CVRA rule changes

Changes effective January 1, 2017

Impacts timing, public outreach, and district costs

- \* **Additional public hearings**
  - \* Prior law—Only required public hearings prior district adoption of trustee maps
  - \* New law—Public hearings required both before and after drawing preliminary maps (including two hearings within a 30 day span, and at least two public hearings 45 days prior to adoption of a map option)



## AB350 CVRA rule changes (continued)

Changes effective January 1, 2017

### Plaintiff's Action/Reimbursement

- \* Prior law—CVRA entitles plaintiffs to recover attorneys' fees and other costs
- \* New law—After receipt of CVRA “demand letter,” prospective plaintiff is barred from commencing a CVRA lawsuit against the district for 45 days. Reimbursement of fees for preparation of demand letter capped at \$30,000.
- \* New law—If district passes resolution outlining its intent to transition to by-trustee area election, a prospective plaintiff is barred from commencing a CVRA lawsuit within 90 days of passage of the resolution.

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## County Board of Education

Redistricting done by County Committee

- \* County Board of Education—required study
  - ✓ Trustee areas examined and rebalanced as needed based on U.S. Census data
- \* School Districts—not required for at-large elections or from-trustee elections, but required for by-trustee elections

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# Questions on Organizational Changes to Trustee Elections?



## SBCSS Website [www.sbcss.k12.ca.us](http://www.sbcss.k12.ca.us)

Ted Alejandro, County Superintendent

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California School Boards Association	County Committee On School District Organization
County Superintendent	San Bernardino County Board Of Education
San Bernardino County District Advocates For Better Schools	San Bernardino County School Boards Association

County E Outstanding

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## CDE Resources

<http://www.cde.ca.gov/re/lr/do/>

The California Department of Education (CDE) is a rich resource for information on the duties and functions of the County Committee on School District Organization.

Informally known as “The Handbook,” CDE maintains procedures and responsibilities for all parties involved in the school district organization process.

The screenshot shows the California Department of Education website. At the top, there is a navigation menu with categories: Curriculum & Instruction, Testing & Accountability, Professional Learning, Finance & Grants, Data & Statistics, Learning Support, and Specialized Programs. Below the menu, the page title is "District Organization" with a subtitle "Reference for procedures and responsibilities for all parties involved in the school district organization process." The page contains a list of chapters from 1 to 12, with Chapter 1 selected. The content of Chapter 1 is visible, including a "Preface" section and an "Introduction" section. The "Preface" section states that the handbook describes how changes in school district boundaries, divisions, and terminations occur. The "Introduction" section lists source documents, laws, and regulations that form the foundation for the handbook.

# School District Reorganization: Role and Function of County Committee

