



San Bernardino County
Superintendent of Schools
Transforming lives through education

School District Reorganization: Role and Function of County Committee

Presentation to
San Bernardino County Committee on School District Organization

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What is the County Committee on School District Organization?



The County Committee on School District Organization is established in the California Education Code, Article I, Section 4000.

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Structure of the County Committee



- Can be a separate committee **or** the County Board of Education can serve as the County Committee
- San Bernardino County has a **separate** County Committee consisting of 11-members – two from each supervisorial district and one at-large member
- County Committee members serve four-year terms. Terms are staggered and elections take place annually in the fall
- Any resident of the County may apply to be a County Committee member **except** those employed by **any** LEA in **any** county in **any** capacity
***Only exception** - governing board members of LEAs within the county may simultaneously serve as a member of the County Committee.*

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Role of the County Superintendent



- County Superintendent is the Secretary to the County Committee or delegates duty to a staff member to serve as the Acting Secretary to the Committee
- Provides administrative and fiscal support to the Committee to facilitate the statutory duties of the Committee
- Maintains the administrative records of the Committee which includes records relating to reorganization proposals, meeting materials, and minutes

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What does the County Committee on School District Organization do?



The County Committee on School District Organization **plays a major role in the review and approval of proposals** to reorganize/change a school district.

All California County Committees review the same types of “**reorganizational**” issues:

- **Territory Transfers**
- **Unifications**
- **Governing Board Structure** (such as trustee areas and size of governing board)

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Territory Transfers and Unifications



Four types of reorganization:

- **Territory Transfers:**
- **Formation of a New District/Unifications:**
- **Unification w/Components:**
- **Lapsation:**

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Territory Transfers and Unifications



Four types of reorganization:

- **Territory Transfers:** Transfer of a portion of territory from one district to another.
- **Formation of a New District/Unifications:** Typically involves (1) reorganizing entire elementary and high school districts or portions of them into unified school district or (2) reorganizing/splitting existing unified district into one or more unified district.
- **Unification w/Components:**
- **Lapsation:**

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Territory Transfers and Unifications



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- **Formation of a New District/Unifications:** Typically involves (1) reorganizing entire elementary and high school districts or portions of them into unified school district or (2) reorganizing/splitting existing unified district into one or more unified district.
- **Unification w/Components:** 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*)
- **Lapsation:** If certain conditions are met (typically when ADA of a district falls below a certain level) the County Committee is required to lapse the district into another district.

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Initiating a Petition



1. 25% Petition

Initiated by 25% of owners or by a district governing board

2. 10% Petition

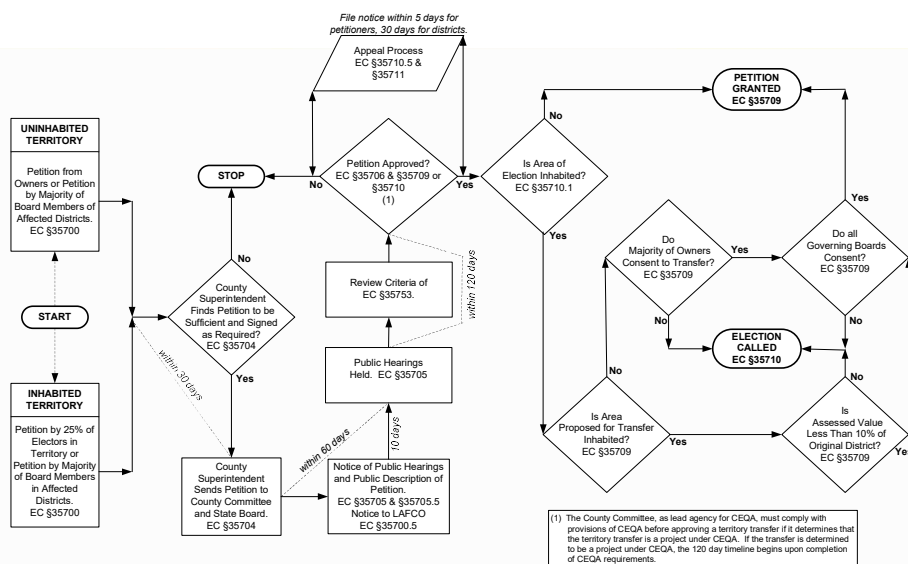
Initiated by 10% of registered voters, certain local agencies, or County Committee

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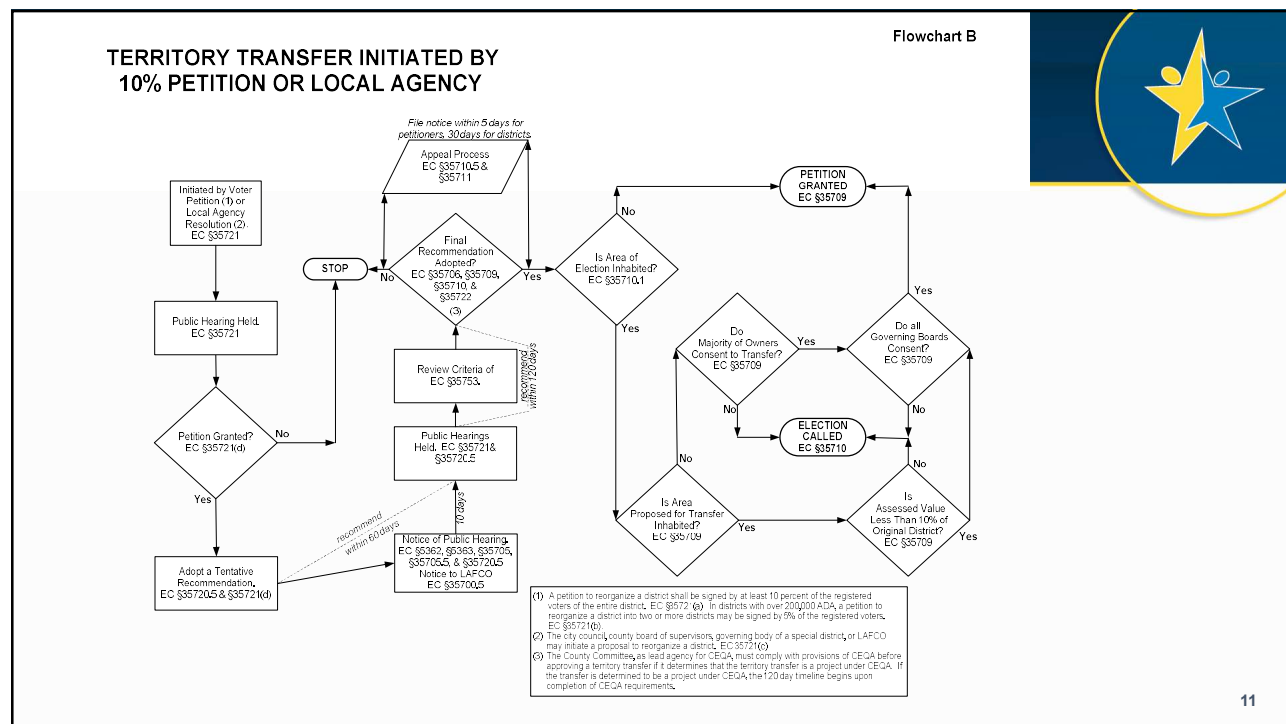
TERRITORY TRANSFER INITIATED BY OWNERS, 25% PETITION, OR DISTRICT GOVERNING BOARDS

Flowchart A

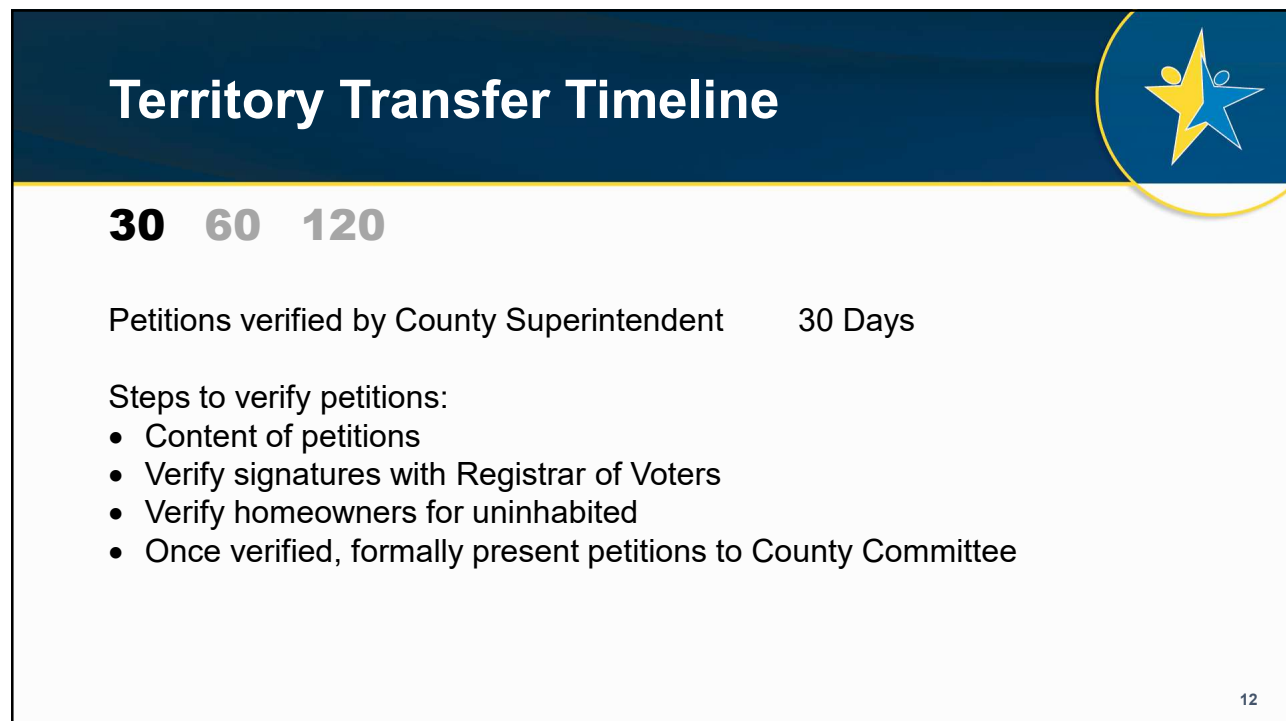


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Territory Transfer Timeline



30 60 120

Public Hearings

60 Days

Requirements:

- Must be held within 60 days from when County Committee receives petition from County Superintendent
- At least one public hearing must be held in each of the affected school districts
- Chief petitioner will present information regarding the petition
- District representatives will present districts' position on petitions

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Territory Transfer Timeline



30 60 120

County Committee Approval/Disapproval

120 Days

Within 120 days of public hearing, County Committee makes a recommendation to approve/disapprove proposal, which includes:

- Conducting feasibility study to determine if the **State's Nine Reorganization Criteria** have been met (EC 35753)
- Prepare written report with results of study findings
- Timeline may be extended to meet California Environmental Quality Act (CEQA) study requirements

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Nine Reorganization Criteria (EC 35753)



1. The new districts will be **adequate in terms of number of pupils enrolled**
2. The 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 districts will **not promote racial or ethnic discrimination or segregation**

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Nine Reorganization Criteria (EC 35753)



5. The proposed reorganization will **not result in any substantial increase in costs to the state**
6. The proposed reorganization will **not significantly disrupt the educational programs** in the proposed districts and district affected by the proposed reorganization and will continue to promote sound education performance in those districts
7. The proposed reorganization will **not result in a significant increase in school housing costs**

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Nine Reorganization Criteria (EC 35753)



8. The proposed reorganization is **not primarily designed to result in a significant increase in property values** causing financial advantage to property owners because territory was transferred from one school district to an adjoining district
9. The proposed reorganization **will not cause a substantial negative effect on the fiscal management** or fiscal status of the proposed district or any existing district affected by the proposed reorganization

Additionally, the State Board of Education may prescribe other criteria by regulation.

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Unification Timeline



Estimated Petition Timeline in Days *(may be extended to meet CEQA study requirements)*

- | | |
|---|-------------------------------------|
| • 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> |
| | minimum 810 days (2.2 years) |

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Role and Function of County Committee



Questions on Territory Transfers or Unifications?

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Trustee Areas and Size of School District Governing Boards (EC 5019)



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

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At-Large, From-Trustee Area, and By-Trustee Area



	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

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Process to Change Election of School Trustees (EC 5019)



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**

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California Voting Rights Act

(Senate Bill 976)



- Enacted in 2002 (took effect January 1, 2003)
- Election 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

(Senate Bill 976)



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

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California Voting Rights Act School District Options



Conduct Self-Assessment of Potential Liability

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

Caveat: moving to “by-district” offers “safe harbor” for CVRA, but not necessarily federal voting rights litigation

Litigation (**court process**)

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California Voting Rights Act School District Options



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 (EC 5019 and 5020)



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.

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Trustee Areas and Size of School District Governing Boards (EC 5019 and 5020)



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 not later than the next succeeding election for members of the Governing Board (unless the school district receives a State Board of Education waiver or the County Committee, under Senate Bill 442, acts to waive the election requirement).

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Senate Bill (SB) 442



Passed in July 2021, SB 442 amended Education Code section 5020 to add section (a)(2) which authorizes the County Committee to, “by resolution, approve a proposal to establish trustee areas and to elect governing board members using district-based election, as defined in subdivision (b) of Section 14026 of the Elections Code, without being required to submit the resolution to the electors of the district for approval.”

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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)

- Committee reviews the petition (from a district, the public, or the Committee’s own petition)
- Committee reviews the trustee area map submitted, or develops its own map
- Committee holds public hearings in impacted district(s)
- Education Code 5019 describes who may submit a petition

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Changing Method of School Trustee 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

Requires majority vote of jurisdiction's residents (school districts may seek waiver of election requirement from State Board of Education or the County Committee, under Senate Bill 442, acts to waive the election requirement)

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Costs for Changes to Election of School Trustees (EC 5031)



- 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
- After every Census, school districts must review and adjust trustee areas for demographic changes (does not require County Committee action)

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By-trustee elections—how many districts in San Bernardino County?



There are 33 school districts in San Bernardino County

- Prior to 2016, **none** had by-trustee elections
- Today, all but about a half-dozen have switched to by-trustee elections
- Note: Trustee areas exist for the County Board of Education. It falls to the County Committee on School District Organization to review and adjust as necessary the trustee areas after every Census.

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Role and Function of County Committee



Questions on Organizational Changes to Trustee Elections?

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Resources for information



- SBCSS Website—
<https://www.sbcss.k12.ca.us/index.php/en/business-services/business-advisory-services/county-committee>
- California Department of Education (CDE)—
<http://www.cde.ca.gov/re/lr/do/>
Informally known as “The Handbook,” CDE maintains procedures and responsibilities for all parties involved in the school district organization process.

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