

3.What special knowledge/skills do you possess that would make you a good candidate for this County Committee?

Please submit this application to the San Benito County Office of Education by emailing the completed application to Monica Barragan at mbarragan@sbcoe.org or by bringing a copy to 460 5th Street Hollister, Ca. 95023.

County Committee on School District Organization Functions

The county committee on school district organization has a major role in the review and approval of proposals to change school district organization in the county. There is in each county, except a county that is also a city and school district (i.e., San Francisco), a county committee on school district organization (EC 4000). Forty percent of the counties have committees that are separate from the county board of education. San Benito County Office of Education has established a separate committee in which a representative selected by each district board selects a representative to the County Committee on School District Organization.

Responsibilities

1. School District Organization

The county committee is the local initiator, coordinator, analyst, facilitator, and arbitrator for the reorganization of school districts. It formulates plans, responds to petitions, conducts public hearings, develops and releases information, and analyzes proposals throughout the approval process of a reorganization. For petitions for transfers of territory (and certain formations of new school districts where state approval is not required) the county committee gives final approval or disapproval (*EC 35709, 35710*), subject only to appeal to the State Board of Education. (*EC 35710.5, 35711*)

The county committee is charged with the duty of studying the school district organization of its county and shall, under the direction of the State Board of Education or pursuant to a petition by local electors or certain local entities, hold hearings and formulate plans and recommendations for the unification or other reorganization of the districts in the county, including, if necessary, a portion of one or more adjacent counties. (*EC 35720-35724, 74105 et seq.*)

Specific tasks of the county committee regarding district organization are shown in the charts in this manual (quick-reference charts in Chapter 5). They depict the approval processes for the various types of petitions and plans.

Education Code Section 35751 requires county and district submission of the statistical information required by the California Department of Education to complete a study for the State Board of Education.

The provisions of Section 35751 apply to both unification proposals and to appeals of county committee decisions on transfers of territory. With either type of action, the county committee should include sufficient information to demonstrate that the committee studied the background on each of the criteria in *Education Code* Section 35753(a) and *California Code of Regulations*, Title 5, Section 18573. (See Appendix A.)

An administrative record for any reorganization proposal submitted to the State Board of Education should include the petition to reorganize, notices of the public hearings, the description of the petition provided to the public before the public hearings, summary minutes and/or transcripts of the public hearings and meetings, related letters, legal briefs, and any other

materials relevant to the proposal that would enable the State Board of Education to determine whether there is evidence to support the county committee's recommendation.

In particular, the county committee should examine data on the current status of the school district and the impact of the proposed change on the racial and ethnic composition of the affected districts at both the school and district levels. Also, data on the current educational achievement levels and standardized test scores of pupils and the existence of special educational programs are included. If any unusual financial situations exist that would adversely affect the district's ability to maintain its educational programs, that information should be included. Such information is typically included in a study conducted for the county committee by the secretary to the committee and other county office staff (or by a contracted consultant).

It is recommended that the record include the county committee's votes taken on each one of the Section 35753(a) criteria as well as the summary vote taken according to Section 35707. The county committee should maintain the same standard of documentation concerning petitions for transfer of territory in case its decision is appealed to the State Board of Education.

2. Trustee Areas for Governing Board Elections

The county committee has the power to regulate the election of members to county boards of education, except in chartered counties. In chartered counties the manner of selection of the county board of education shall be prescribed in the county charter or by the county board of supervisors. (EC 1000)

The county committee has the power to establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, adopt one of the alternative methods of electing governing board members, and increase to seven or decrease to five the number of members of the governing board in any school district or community college district. (EC 5019) It has no authority, however, in a situation involving a school district governed by a board of education provided for in the charter of a city or city and county.

Quick-reference charts in Chapter 10 depict the approval processes for the various types of petitions and plans for establishing, abolishing, or changing trustee areas.

3. Legal and Regulatory Guidance

The county committee is subject to the legal requirements in the *Education Code*, to policies and regulations adopted by the State Board of Education (*California Code of Regulations*, Title 5), sections of the *Government Code* related to petition preparation, sections of the *Elections Code* related to petitions, the *Government and Public Resources Code* relating to the California Environmental Quality Act, and the

Ralph M. Brown Act (*Government Code* Section 54950 et al.) regarding the conduct of public meetings. County committees are given great latitude within which to work so that each local situation can be considered within its own context. Each proposal made by the county committee is to be considered in light of its appropriateness to the local area concerned.

4. County Committee Master Plans

On or before September 15, 1963, each county committee had to prepare and submit a master plan to the State Board of Education for including the entire territory of the county in school districts so that each school district had to provide for a kindergarten- or grade-one-through-grade-twelve

educational program. This date was extended for certain counties up to September 15, 1964. If a county failed to submit a master plan by the extended date, then the California Department of Education had to prepare the master plan for the county by September 15, 1965.

When the *Education Code* provisions pertaining to school district organization were rewritten in 1980, it was the legislative intent to utilize the organization of districts as they existed on January 1, 1981, and the master plan for school district organization in each county as it existed prior to January 1, 1981, or any approved updated version of the master plan as the basis for future reorganization of districts in each county.

Legislation has since removed all references to master plans from the *Education Code*. Currently, there are no legal provisions requiring that a county committee revise its original master plan or base reorganization decisions on existing master plans. It is now the intent of the Legislature to utilize the organization of districts as they existed on January 1, 1981, and local educational needs and concerns as the basis for future reorganization of districts in each county. (*EC 35500*)

5. Waiver Authority

The *Education Code* sections pertaining to school district organization issues may be waived except those sections relating to school finance in Part 24 (local control funding formula). *Education Code* Section 33050 permits county boards of education and school districts to petition the State Board of Education for waivers after holding the necessary public hearings and consulting with appropriate bargaining units. County committees on school district organization are separate governmental entities and cannot submit a waiver request directly to the State Board of Education. County committees that identify a potential need for a waiver should consult with California Department of Education staff before requesting that the county board of education or the governing board of an affected school district submit a waiver request.

Common requests to waive school district organization statute include:

- Elimination of election requirement to establish trustee areas and by-trustee area methods of election. (*EC 5019, 5020*)
- Elimination of election requirement for approval of territory transfers and formations of new school districts. (*EC 35710*)
- Alteration of effective date for reorganized districts. (*EC 35534*)
- Conditions and timelines for lapsation of districts. (*EC 35780, 35786*)

6. Withdrawal of Grades Seven and Eight from a District

The process for withdrawing grades seven and eight from a high school district does not involve the county committee on school district organization or the State Board of Education.

County superintendents and county staff confronted by petitions regarding such changes should acquaint themselves with an appellate court case entitled *San Diego Union High School District v. Rosander* (1985), 171 Cal.App.3d 968 (1985) along with the 1992 decision in *Board of Supervisors v. LAFCO*, 3 Cal 4th 903, and consult with legal counsel regarding the steps to be taken to determine the area of election.