

San Bernardino County Committee of School District Organization

Overview of the School District Reorganization Process

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Presented By:

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Vice President**



1 School District Reorganization

- Commencing with Education Code Section (EC §) 35500, the code:

Defines the various types of district reorganizations

Describes the overall processes to initiate a district reorganization

Specifies the duties and responsibilities of the county committee on district reorganization and other relevant public agencies and organizations

Prescribes the timelines for public hearings, governing board actions, and voting

Specifies the employment rights of district employees

Lists the criteria upon which the State Board of Education (SBE) must evaluate reorganization proposals

2 Basic Types of Reorganization

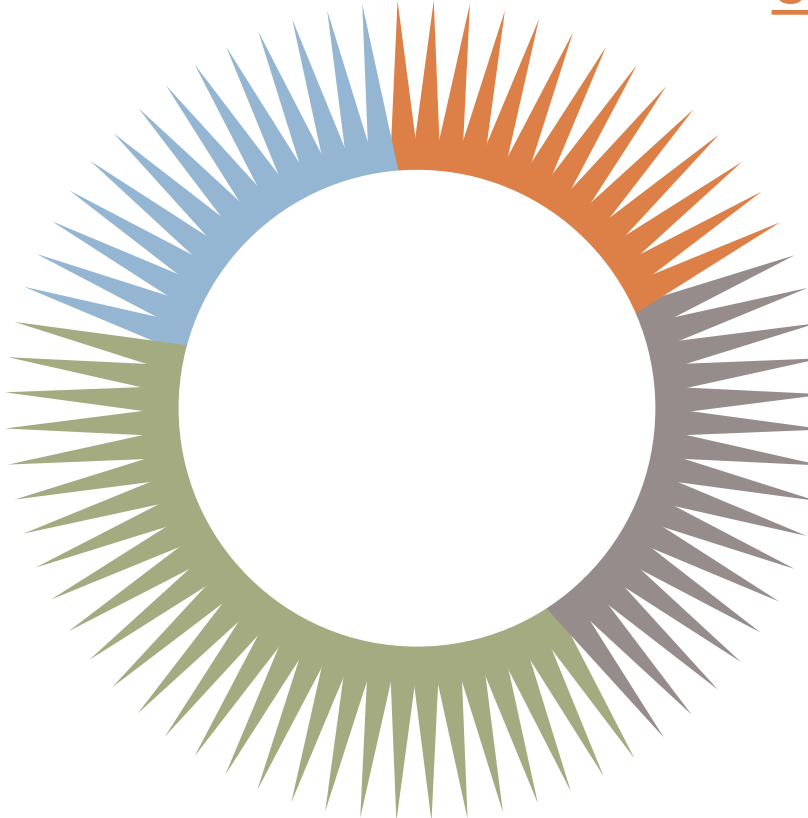
- Four most common types of reorganizations:

Territory transfers

Transfer of a portion(s) or all of one district to another

Formation of new school districts (unification)

Typically, unification of elementary and high school districts into a unified school district or splitting an existing unified school district into two or more unified school districts



Unifications with components

Unification of a high school district excluding one or more feeder elementary districts completely within the high school district

Lapsation

The dissolution of a school district to one or more adjacent districts

Petitions—Unifications and Territory Transfers

Owners of Uninhabited Territory, 25% Petition, or District Governing Boards

- **Petition signed by:**
 - **Owner(s) of uninhabited territory;**
 - **At least 25% of the registered voters in the inhabited territory proposed to be reorganized;**
 - **A majority of the members of the governing boards of all affected districts; or**
 - **At least 8% of registered voters who cast votes in the last gubernatorial election to reorganize a district with over 200,000 ADA¹ into two or more districts**

10% Petition or Local Agency

- **Petition signed by:**
 - **At least 10% of the registered voters of the entire school district;**
 - **At least 5% 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 board of a special district, or local agency formation commission**

¹Average daily attendance



¹Districts with over 200,000 ADA

Petitions

- Under the law,¹ a reorganization petition should include:



Reasonable
description of the
territory covered
by the proposed
reorganization



List of the school
districts affected



Reasons for a
proposed
reorganization

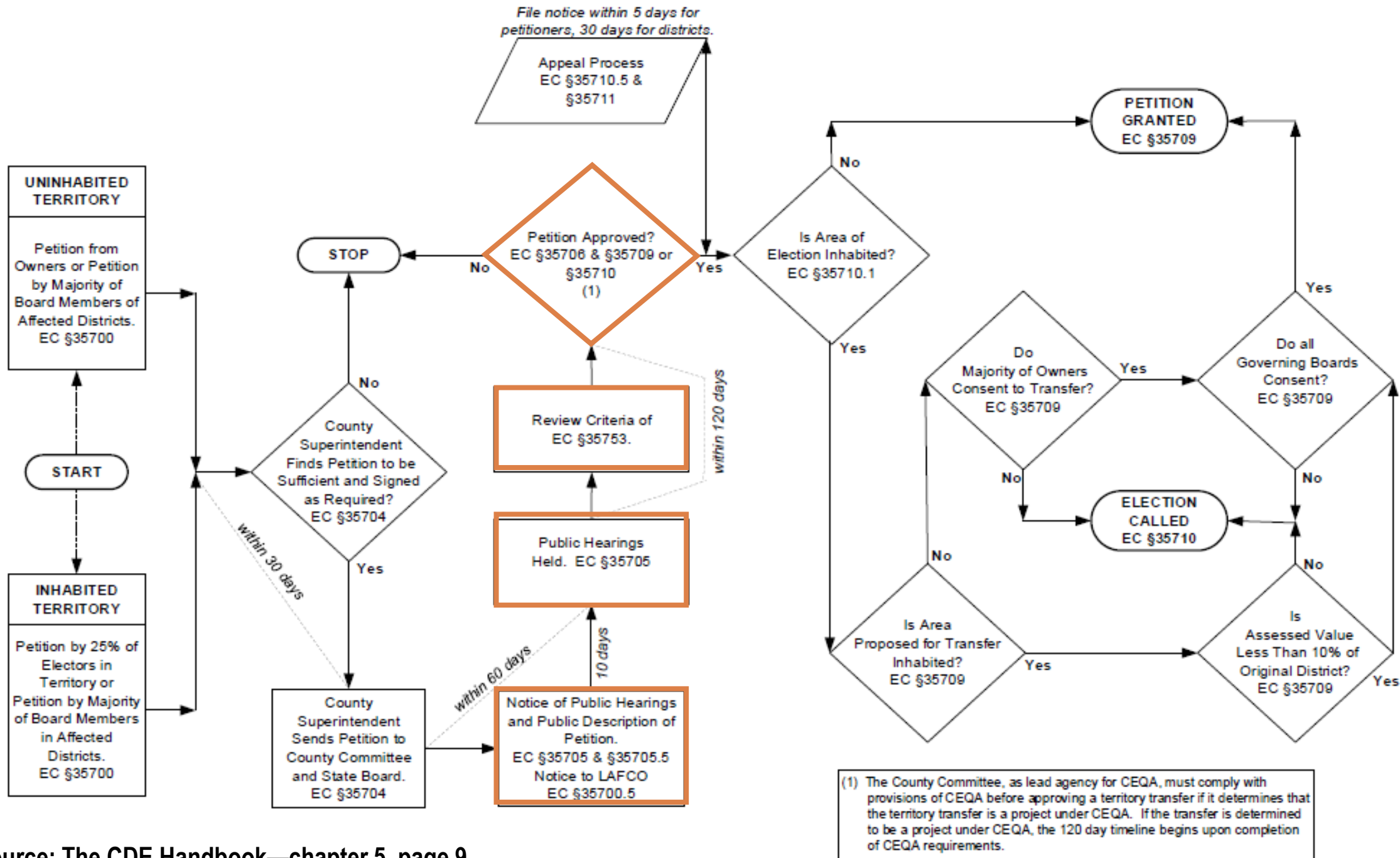


Designation of no
more than three
chief petitioners
and an affidavit
that all signatures
on the petition
are genuine

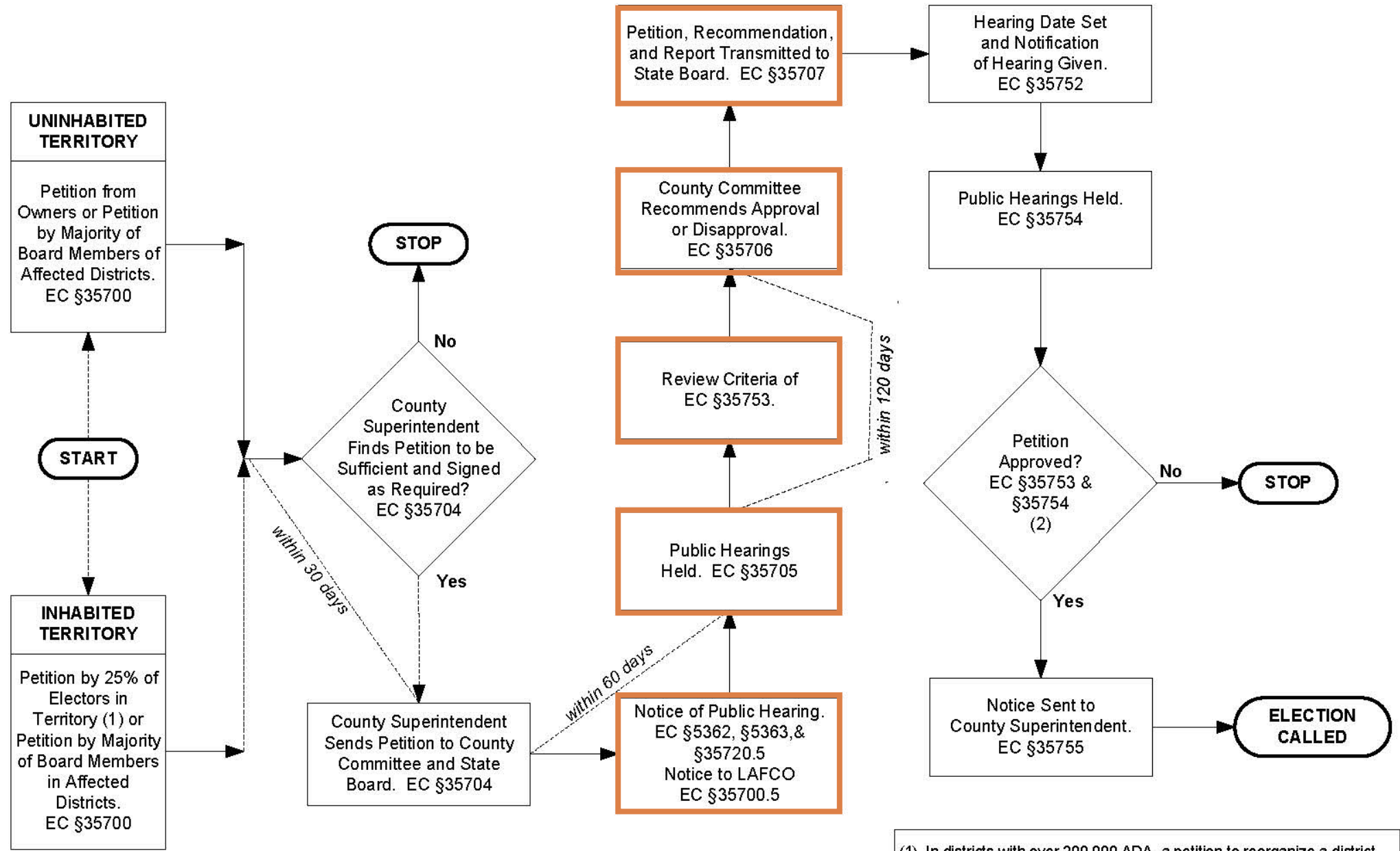
¹Per EC § 35700.3, 35701, and 35702, and the California Department of Education (CDE) School District Organization Handbook (Handbook)—chapter 5, pages 30-31

County Committee Responsibilities

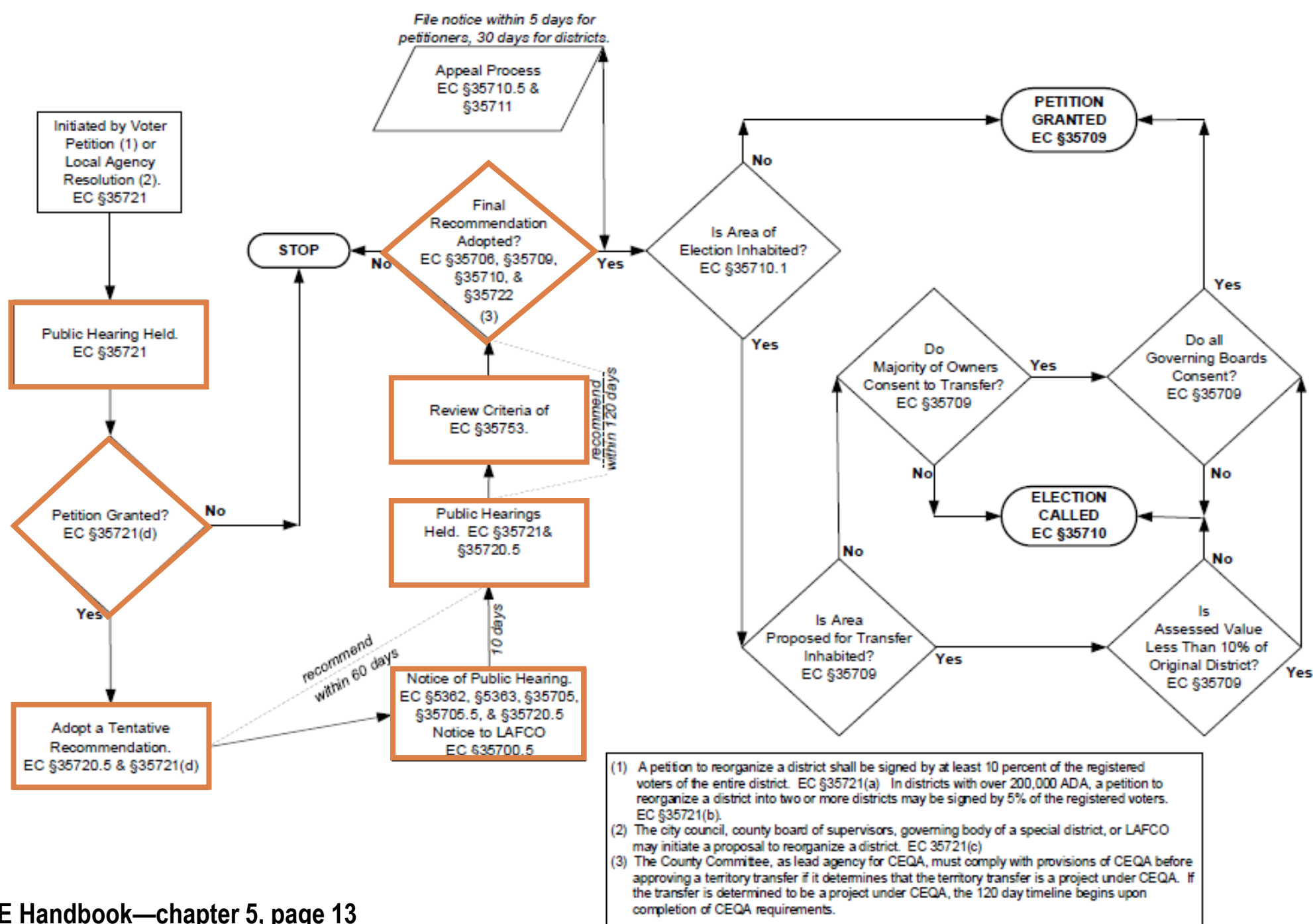
- **Local initiator, coordinator, analyst, facilitator, and arbitrator for the reorganization of school districts**
- **Formulates plans, responds to petitions, conducts public hearings, develops and releases information, and analyzes proposals throughout the approval process**
- **More specifically, the county committee:**
 - **Provides written notice of the proposed action to the local agency formation commission**
 - **As the lead agency for territory transfers, must comply with the California Environmental Quality Act**
 - **Determines the impact of reorganizations on the nine statutory criteria**
 - **May specify the territory in which the election to reorganize will be held**
 - **Note that in the absence of such a provision, the election will be held only in the territory proposed for reorganization**
 - **Gives final approval or disapproval for territory transfers petitions and certain formations of new school districts, subject to appeal to the SBE**

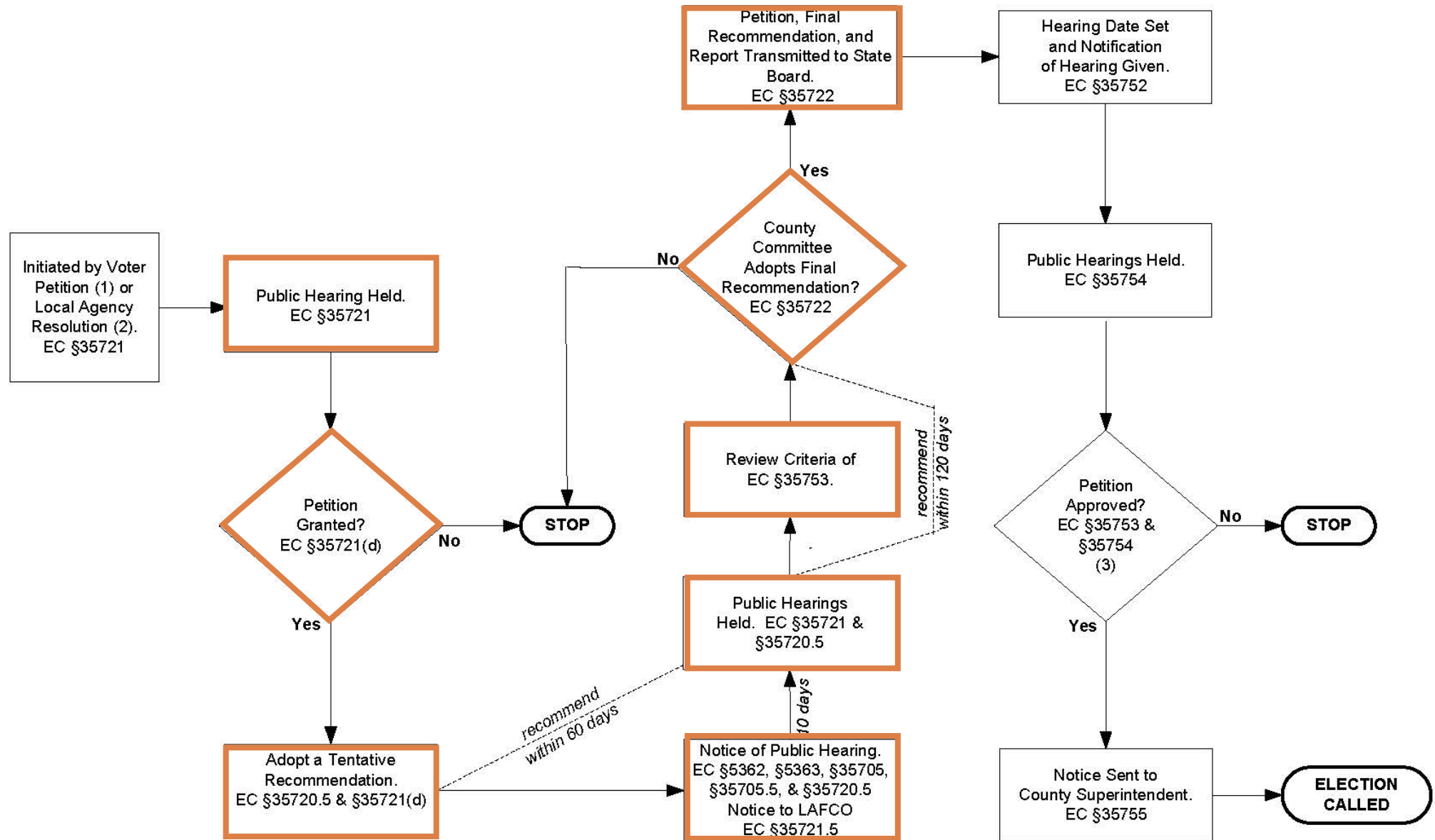


Source: The CDE Handbook—chapter 5, page 9



- (1) In districts with over 200,000 ADA, a petition to reorganize a district into two or more districts may be signed by 8% of the registered voters. EC §35700(b).
- (2) The SBE, as lead agency for CEQA, must comply with provisions of CEQA before approving a unification if it determines that the unification is a project under CEQA.





- (1) A petition to reorganize a district shall be signed by at least 10 percent of the registered voters of the entire district. EC §35721(a) In districts with over 200,000 ADA, a petition to reorganize a district into two or more districts may be signed by 5% of the registered voters. EC §35721(b).
- (2) The city council, county board of supervisors, governing body of a special district, or LAFCO may initiate a proposal to reorganize a district. EC §35721(c)
- (3) The SBE, as lead agency for CEQA, must comply with provisions of CEQA before approving a unification if it determines that the unification is a project under CEQA.

Nine Statutory Criteria

- All the following conditions must be substantially met:

1**Adequate Number of Pupils****2****Community Identity****3****Equitable Division of Property
and Facilities****4****Discrimination/Segregation****5****No Substantial Increase in State Costs****6****Sound Educational Program****7****No Substantial Increase in
School Facilities Costs****8****Increased Property Values****9****Effect on Fiscal Status
and Management**

Nine Statutory Criteria

Criterion 1

Adequate Number of Pupils

The reorganized districts will be adequate in terms of number of pupils enrolled

Criterion 2

Community Identity

The school districts are each organized on the basis of substantial community identity

Criterion 3

Equitable Division of Property and Facilities

The proposal will result in an equitable division of property and facilities of the original district or districts

Nine Statutory Criteria

Criterion 4

Discrimination/ Segregation

The reorganization will preserve each affected school district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation

Criterion 5

No Substantial Increase in State Costs

Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization

Criterion 6

Sound Educational Program

The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected school districts

Nine Statutory Criteria

Criterion 7

No Substantial Increase to School Facilities Costs

Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization

Criterion 8

Increased Property Values

The proposed reorganization is primarily designed for purposes other than to significantly increase property values

Criterion 9

Effect on Fiscal Status and Management

The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the affected district



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Thank you!

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