San Mateo County Office of Education

Transfer of Territory Handbook: A Guide for the Public





SAN MATEO COUNTY OFFICE OF EDUCATION

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A message from the County Committee on School District Organization

Dear Members of the Public,

The County Committee on School District Organization (CCSDO) is charged by the state to study and make recommendations and decisions on school district reorganization. Transferring territory between/among school districts is one type of school district reorganization.

The County Committee has developed this brochure to clarify the process for submitting a petition to transfer territory. The information that follows is not intended as the only source of information. Citizens are encouraged to review the California Department of Education's website (available at http://www.cde.ca.gov/re/lr/do/), as well as the County Committee website (available at https://www.smcoe.org/schools/school-districts/district-boundaries-ccsdo)

County Committee on School District Organization

How can a transfer of territory be proposed?

There are multiple ways in which petitions may be initiated, as indicated below:

Option 1: Territory transfers initiated by owners of uninhabited territory*, by a 25 percent petition, or by a district governing board

> ***When is a 25 percent petition process used?*** It is used when the owners of the uninhabited territory or the district governing board or at least 25 percent of the registered voters in the affected area petition to transfer territory. 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.

Option 2: Territory transfers initiated by a 10 percent petition, certain local agencies (e.g., county board of supervisors, city council, local agency formation commission), or county committee

> ***When is a 10 percent petition process used?*** It is used when county committees, certain local agencies, or 10 percent of the registered voters in an entire school district wish to transfer territory or unify.

*"Uninhabited territory" means territory in which fewer than 12 persons are registered to vote at least 54 days before the time of filing of a petition or adoption of a resolution for a school district boundary change.

What needs to be included in a petition for territory transfer?

A reasonable description of the territory to be covered by the proposed action

> ***What constitutes a reasonable description?*** According to Education Code 35700.3, the description may include references to streets or prominent geographic features.
>
> ***Does the description need to include legal descriptions or plat maps?*** The inclusion of legal descriptions or plat maps, or both, is not a prerequisite for the filing of a valid petition, but the more accurate and thorough the information, the more equipped the provided County Committee is to understand the request.

A list of school districts affected by the proposal

A designation of no more than three of the petitioners as chief petitioners for the purpose of receiving notification of public hearings and other pertinent information

An affidavit that all signatures on the petition are genuine signatures and were obtained in the presence of the petition circulator (*EC* 35702)

Signing the petition

The signatures to the petition must adhere to the following rules:

• In addition to signing the petition, each signer must include his or her printed name and place of residence, giving street address and city.

• A space of at least one inch must be left blank after each name for the use of the clerk in verifying the petition.

• The spaces for signatures must be numbered consecutively.

• The petition must have a declaration attached to it. The affidavit must state that the person securing the signatures to the petition is a registered voter, that all persons who signed the petition did so in the presence of the circulator, and that each signature is the genuine signature of the person whose name it purports to be. The circulator of the petition must also state the date and place of execution immediately upon signing the petition (*EC* 35702 and *Elections Code* sections 102 and 104).

> ***What if an individual is not a registered voter?*** Petition circulators may register voters as they collect signatures. For more information, review *Elections Code* Section 2158.

What would a sample petition look like?

Sample petitions can be found in the San Mateo County Office of Education CCSDO web page at: https://www.smcoe.org/schools/school-districts/district-boundaries-ccsdo

How do I submit the petition?

Once the petition is complete, the petitioner will submit the petition to the County Committee on School District Organization at the following location:

San Mateo County Office of Education
101 Twin Dolphin Drive
Redwood City, CA 94065
(650) 802-5300
Regular Business Hours: Monday - Friday, 8:00 a.m. - 5:00 p.m.

What happens next?

The county superintendent of schools has **30 days** after the petition for reorganization has been filed to examine the petition and determine whether it is sufficient and signed as required by law (*EC* 35704).

The county superintendent of schools will transmit the petition to the county department of elections and records for verification of signatures. The county clerk, recorder, or registrar of voters will examine the signatures and determine whether the petition is signed by the requisite number of valid registered voters. The county clerk will then attach a certificate to the petition showing the results of the examination.

> ***What happens if the petition is deemed insufficient?*** The county superintendent of schools will send the chief petitioners a letter with a determination of insufficiency. A petition, once submitted and rejected, is not "invalidated." It may be resubmitted with the added signatures.

Once the petition has been deemed sufficient, the county superintendent will transmit the petition simultaneously to the county committee and the State Board of Education (*EC* 35704).

Public hearings

Once the petition has been deemed sufficient, the County Committee will begin reviewing the petition.

Public Hearing Review Process:

After a petition has been received, the County Committee has **a maximum of 60 days** within which to hold public hearings in each affected school district (*EC* 35705).

> ***How will I receive notice of the public hearing(s)?*** The chief petitioners will be sent notice of the public hearings **at least 10 days** prior to the hearing.



What factors will be considered by the County Committee?

The County Committee will consider the nine conditions of Education Code 35753, which are as follows:

1. The new districts will both be adequate in terms of the numbers of pupils enrolled.

Each affected school district must have at least the following projected enrollment on the date that the proposal becomes effective:

Elementary School District - 901
High School District - 301
Unified District - 1,501

Where can I find enrollment information for each district? Enrollment information may be accessed on the California Department of Education's DataQuest, which is available at http://data1.cde.ca.gov/dataquest/.

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

No single factor is likely to determine that community identity exists. The County Committee may study the following when determining whether community identity exists:

- Similarity of architecture, size, and style of homes can create a sense of community identity. A homogenous housing development would likely generate a sense of community among the residents.

- The usage patterns of parks and school facilities for recreation programs and sports activities for youth can indicate a community identity.

- Traffic patterns and public transportation systems and routes may have an impact on community identity.

- Geopolitical factors such as topography and city council, county supervisor, and special district electoral districts might also create a sense of community among the citizens of an area. Post office names and zip code areas also could contribute.

- Neighborhood and regional shopping patterns are often well defined and play a part in the way people see themselves.

For additional information, review *CCR*, Title 5, Section 18573(a)(2).

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

In reviewing the aspects of proposals dealing with school facilities, county committees are encouraged to request long-range facilities plans from the affected school districts. Those plans should include

- Demographic studies showing both current and projected student population data;

- Development of "study area" maps showing census tracts, boundaries, current and proposed zoning, and current and projected residential and commercial/industrial development;

- An evaluation and report of the utilization, capacity, and condition of existing school facilities; and

- Development of a "comparison analysis" considering both existing and proposed divisions.

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

Local educational agencies have an obligation to prevent racial and ethnic segregation and to alleviate the harmful effects of segregation.

The following types of data are examples of relevant information that may be submitted in support of a petition:

- District(s) enrollment statistics that specify the percentage of various ethnic groups

- District(s) enrollment statistics that specify the percentages of the various ethnic groups in each individual school

- District(s) enrollment statistics that specify the grade and ethnic group of students

- Type of attendance area served by a school (rural, suburban, or urban)

- Trends in the district(s) total population and percent distribution by race

Where can I find enrollment information by ethnicity for each district? This information is available at http://data1.cde.ca.gov/dataquest/.

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

The following questions should be considered:

- Would implementation of the transfer change one or more of the affected school districts' basic aid status?

- Would there be additional state costs for school facilities?

- Would there be additional costs for state special or categorical aid programs if students transferring would qualify in the gaining district and not in the losing district?

- Are the costs per student for special or categorical programs higher in the gaining district?

- Would there be an effect on the districts' home-to-school and special education transportation costs and state reimbursements?

• Would there be increased costs resulting from additional schools becoming eligible for "necessary small school" funding pursuant to *Education Code* sections 42280 through 42289?

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

Please review *CCR*, Title 5, Section 18573(a)(5) for additional information.

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

The County Committee will need to consider the availability of school facilities to house the pupils in the portion of the district being reorganized.

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

The County Committee will analyze the rationale given in the petition for the territory transfer to determine whether increased property values might be the primary reason for the petition. The County Committee may consult with the county tax assessor's office or local real estate firms for advice on whether a territory transfer might have an impact on property values.

9. The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

The County Committee will evaluate how the reorganization will affect the school district's fiscal status for the current and succeeding years.





What happens next?

The County Committee will determine the impact of the territory transfer on the conditions described previously and listed in *EC* 35753.

If the conditions are substantially met, the County Committee may approve or disapprove the petition **within 120 days** of the first public hearing or **within 120 days** of complying with CEQA if the County Committee determines that the territory transfer is a project under CEQA.

Will an election be required?

If any of the following three conditions exist, the County Committee may approve the territory transfer without an election:

1. The territory is uninhabited, the majority of the owners of the territory consent to the transfer, and the governing boards of all affected school districts consent to the transfer.

2. The territory is inhabited, the territory constitutes less than 10 percent of the assessed valuation of the original district from which the territory is being transferred, and the governing boards of all affected districts consent to the transfer.

3. The election area for the territory transfer, as determined pursuant to *EC* 35732, is uninhabited territory as described in *Education Code* Section 35517.

For all other territory transfers, if the County Committee approves the transfer, the county superintendent must call an election in an area determined by the County Committee.

Appealing the decision

An action by the County Committee approving a petition to transfer territory may be appealed to the State Board of Education by the chief petitioners or one or more affected school districts (*EC* 35710.5).

When does a notice of appeal need to be filed? Appellants shall file with the County Committee a notice of appeal **within five days** after the final action of the County Committee.

When does a statement of reasons and factual evidence need to be filed? Appellants shall file with the County Committee a statement of reasons and factual evidence **within 15 days** of filling the notice of appeal.

What will happen while the appeal is pending? The action of the County Committee will be stayed pending the outcome of the appeal.

What will happen next? The State Board of Education may elect to review the appeal either on the administrative record or in conjunction with a public hearing or deny review of the appeal (thus ratifying the County Committee's decision).

What actions could the State Board of Education take if it decides to review the appeal? The State Board of Education may affirm the action of the County Committee or reverse or modify the action of the County Committee.

Additional information

The information included in this guide was adapted from the California Department of Education's District Organization handbook. The handbook can be accessed at the following website: http://www.cde.ca.gov/re/lr/do/.

For additional information, please visit the San Mateo County Commitee on School District Organization's website: https://www.smcoe.org/schools/school-districts/district-boundaries-ccsdo.

The website contains the following information, which may be of interest:

- CCSDO Meeting Schedule
- Frequently Asked Questions
- Transfers of Territory - Previously submitted petitions may be viewed on this page.

For questions, please contact the Secretary to the County Committee:

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