SCHOOL DISTRICT SEPARATION

Parent Information Meeting
September 8, 2015
CITY COUNCIL ASSIGNED RESEARCH

• City Manager provided memo compiling research
• Describes process, legal complexities, economic challenges, and examples of pending and successful reorganizations
• Research helpful should local grassroots group wish to pursue
POTENTIAL POSITIVE OUTCOMES

• Provide local control
• Create more innovative schools that teach beyond the mandated standards
• Provide school choice to provide more educational alternatives
• Better meet the goals of maintaining services and programs for students
• Flexibility around calendars, curriculums and staffing
CHALLENGES

• Requires vote by entire district
• CUSD could reject on the basis of financial hardship
• Lengthy process
• Determine how CUSD acquired school facilities in San Clemente
• 24 years since the last unified school district was established
• Schools are in need of costly deferred maintenance repairs
REORGANIZATION NUTS & BOLTS

• Requires a petition to get a referendum on the ballot
• Signatures from 25% of registered voters (195,940) in CUSD = 48,985 total
• Public Hearings
• Review by the County Committee on School District Organization
• California Environmental Quality Act (CEQA) Study
• Approval/Denial by the State Board of Education (SBE)
• SBE determines the election area if it approves the petition for a public vote
APPEALS PROCESS

• An action by the County Committee approving or disapproving a petition pursuant to Section 35709, 35710, or 35710.1 may be appealed to the SBE

• Following the review, the SBE shall affirm or reverse the action of the County Committee, and if the petition will be sent to election, shall determine the territory for the election

• If the SBE denies the appeal, the County Committee decision stands. If the appeal is approved, SBE shall review the findings of the County Committee at a regular meeting of the SBE
• This chapter goes into depth on the reorganization process and conditions for approval

• Checklists are also included in this section, providing steps for a reorganization effort (i.e. Table 5.1)

• A flow chart visualizes the process from start to finish
### Table 5.1
Territory Transfer (and unifications pursuant to EC 35710[b]) Checklist

<table>
<thead>
<tr>
<th>Code Reference</th>
<th>Completion Date</th>
<th>Responsible Party</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PETITION (Complete all items within 30 days of receipt of petition)</strong></td>
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<tr>
<td>Verify petition—Contains a reasonable description of the territory and a list of school districts affected. (three chief petitioners)</td>
<td>EC 35700.3</td>
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<td>EC 35701</td>
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<td>EC 35703</td>
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<td>Verify—Boundaries of any new elementary school district must be coextensive with the high school district.</td>
<td>EC 35542</td>
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<td>Verify—Territory in petition is contiguous (leapfrogging prohibition)</td>
<td>EC 35543</td>
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<tr>
<td>Examine previous reorganization history of territory. During first five years of a district’s formation, territory may not be removed without board approval.</td>
<td>EC 35545</td>
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<tr>
<td>Verify signatures on petition (within 30 days of receipt)—Send to county registrar, elections clerk.</td>
<td>EC 35704</td>
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<td>ElecC 105</td>
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<tr>
<td>Notify—Send copy of petition to county committee, local agency formation commission, and State Board of Education</td>
<td>EC 35704</td>
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<td>EC 35700.5</td>
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<td><strong>PUBLIC HEARINGS (Complete all items within 60 days of verification of petition)</strong></td>
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<td>Schedule—Public hearings in affected school districts within 60 days of verification of petition.</td>
<td>EC 35720.5</td>
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<td>EC 35721</td>
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<tr>
<td>Calculate base revenue limit of proposed new district.</td>
<td>EC 35735</td>
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<td>EC 35735.1</td>
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<tr>
<td></td>
<td>EC 35705.5</td>
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<tr>
<td>Provide notice of regular public hearing ten days prior to public hearing. Include description of the petition pursuant to EC 35705.5.</td>
<td>EC 35705.5</td>
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TERRITORY TRANSFER INITIATED BY OWNERS, 25% PETITION, OR BY DISTRICT GOVERNING BOARD

UNINHABITED TERRITORY
Petition from Owners or Petition by Majority of Board Members of Affected Districts, EC §35700

START

INHABITED TERRITORY
Petition by 25% of Electors in Territory or Petition by Majority of Board Members in Affected Districts, EC §35700

County Superintendent Finds Petition to be Sufficient and Signed as Required? EC §35704

Yes

No

Stop

Notice of Public Hearings and Public Description of Petition. EC §35705 & §35705.5 Notice to LAFCO. EC §35700.5

File notice within 5 days for petitioners, 30 days for districts.

Public Hearings Held. EC §35705

Review Criteria of EC §35753.

Petition Approved? EC §35706 & §35709 or §35710

(1) The County Committee, as lead agency for CEQA, must comply with provisions of CEQA before approving a territory transfer if it determines that the territory transfer is a project under CEQA. If the transfer is determined to be a project under CEQA, the 120 day timeline begins upon completion of CEQA requirements.

Area of Election Uninhabited? EC §35710.1

No

Yes

ELECTION CALLED EC §35710

Do Majority of Owners Consent to Transfer? EC §35709

No

No

Yes

Yes

Do all Governing Boards Consent? EC §35709

No

Yes

PETITION GRANTED EC §35709

Appeal Process EC §35710.5 & §35711

No

Yes

No

Yes

inhabited territory

Territory Inhabited? EC §35709

Is Assessed Value Less Than 10% of Original District? EC §35709

No

Yes

START

within 60 days

within 120 days

STOP

County Superintendent Sends Petition to County Committee and State Board. EC §35704

Yes

No

File notice within 5 days for petitioners, 30 days for districts.
CAUTIONARY CONSIDERATIONS

• The plan must comply with the State Education Code
• Section 35753 is key as it outlines the state’s 9 conditions for a new district formation
• SBE may approve proposals for district formations, provided it determines the following criteria was met:
CRITERIA

• New district will be adequate in terms of number of pupils enrolled
• The districts are each organized on the basis of substantial community identity
• The proposal will result in an equitable division of property and facilities of the original district(s)
• The formation of the new districts will not promote racial or ethnic discrimination or segregation
• Any increase in costs to the state will be insignificant and incidental to the reorganization
The proposed reorganization will continue to promote sound education performance and not disrupt the educational programs in the districts affected.

Any increase in school facilities costs will be insignificant and incidental to the reorganization.

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

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

• A study of the reorganization proposal is necessary to address each condition of the CA Education Code

• This would take place after the petition and public hearings

• Someone with specialized expertise should conduct the study to ensure there will not be a substantial negative impact on district fiscal management or status

• The report would assess equitable division of assets and liabilities and assess the potential impact of the reorganization proposal on outstanding or bending bonded indebtedness; compute the new base revenue limit for the new district, including salary/benefit add-ons; negotiating new salary schedules/benefits for the reorganized district; employee rights/assignments and more
STATE BOARD OF ED’S ROLE

• A sufficient petition is simultaneously filed with SBE and the County Committee on School District Organization

• The County Committee convenes a series of meetings to address the petition so that proponents, opponents and other interested parties present their comments

• After the state-mandated hearings have occurred, the County Committee may then hold additional hearings or other public meetings

• Within 120 days of the first public hearing, the County Committee shall take action on the petition

• The County Committee’s actions and recommendations are forwarded to the SBE
STATE BOARD OF ED’S ROLE (cont.)

• While the County Committee must apply certain criteria as identified in the Education Code, the SBE enjoys more flexibility in its analysis.

• The SBE must apply the same 9 criteria listed in Education Code Section 35753, however it may determine that the criteria could not be possibly or practically applied to the situation, or that exceptional circumstances exist “sufficient to justify approval of the proposals.”

• The SBE may also, by regulation, choose to apply additional criteria.
NEXT STEPS

• Members of the community would form a reorganization committee
• Develop a petition and obtain signatures
• Send signatures to the OC Registrar of Voters for verification
• Follow steps in California Department of Education checklist
• Survey local teachers to gauge (non-binding) their interest in employment options should a reorganization take place
• If approved, the SBE determines the election area for public vote
FOR MORE INFORMATION

• Memo posted on City website: www.san-clemente.org
• Request a copy of the Memo: (949) 361-8322
• California Department of Education District Organization Handbook at http://www.cde.ca.gov
• Orange County Board of Education: (714) 966-4234 or http://ocde.us/