



California State Board of Education

Meeting Agenda Items for July 18-19, 2012

UPDATED

ITEM 20 ATTACHMENT 1

RESOLUTION OF THE CALIFORNIA STATE BOARD OF EDUCATION
ADOPTING A NEGATIVE DECLARATION AND MAKING CALIFORNIA
ENVIRONMENTAL QUALITY ACT FINDINGS
RELATING TO A PROJECT TO FORM A UNIFIED SCHOOL DISTRICT FROM
TERRITORY OF THE CURRENT BONSCALL UNION ELEMENTARY SCHOOL
DISTRICT AND CORRESPONDING TERRITORY OF THE FALLBROOK UNION HIGH
SCHOOL DISTRICT

WHEREAS, the Bonsall Union Elementary School District (ESD) is a component district of the Fallbrook Union High School District (HSD) in San Diego County and provides public education services to kindergarten through eighth grade students; and

WHEREAS, a petition, pursuant to subdivision (a) of California *Education Code* Section 35700, to form a unified school district (providing public education services to kindergarten through twelfth grade students) from the territory of the Bonsall Union ESD (and corresponding territory of the Fallbrook Union HSD) was determined to be sufficient and signed as required by law on or about May 31, 2007, by the San Diego County Superintendent of Schools; and

WHEREAS, said petition was considered by the San Diego County Committee on School District Organization and transmitted on or about February 7, 2008, to the California State Board of Education (SBE) with a recommendation for approval; and

WHEREAS, pursuant to the California Supreme Court (*Fullerton Joint Union High School District v. State Board of Education* [1982], 32 C. 3d 779, 187 Cal. Rptr. 398) an action to form a new unified school district may be a project under the California Environmental Quality Act (CEQA) with the SBE as lead agency pursuant to California *Public Resources Code* Section 21067, and

WHEREAS, the SBE allowed the Bonsall Union ESD on July 14, 2011, to conduct and fund all activities required under CEQA, with the understanding that the full unification issue may return to the SBE at a future date; and

WHEREAS, the SBE delegated authority to the California Department of Education (CDE) to administer and oversee the activities required under CEQA on behalf of the SBE; and

WHEREAS, the Bonsall Union ESD has conducted and funded all activities required under CEQA, culminating in preparation of a Negative Declaration (California *Public Resources Code* Section 21064).

THE SBE HEREBY MAKES THE FOLLOWING FINDINGS WITH RESPECT TO CEQA:

1. The SBE finds that the Negative Declaration was prepared in accordance with all legal requirements, including all public notice and comment period requirements; and
2. The SBE declares that it has considered the Negative Declaration and all comments received within the public comments period, as well as written and oral comments received after the public comment period and prior to the date of this Resolution, and finds the Negative Declaration reflects the SBE's independent judgment and analysis; and
3. The SBE finds, on the basis of the CEQA documentation prepared by the Bonsall Union ESD, that there is no substantial evidence that the Project, as described in the Negative Declaration, will have a significant effect on the environment; and
4. The SBE designates the California Department of Education, 1430 "N" Street, Suite 5111, Sacramento, CA 95814, as the location and custodian of the documents and other material constituting the record of proceedings upon which this decision is based.

NOW, THEREFORE, BE IT RESOLVED by the California State Board of Education, based upon the oral and documentary evidenced as received, that the Negative Declaration is hereby adopted.