California Department of Education

School District Organization Handbook

September 2019

# APPENDIX A

**STATE BOARD OF EDUCATION REGULATIONS AND CRITERIA REGARDING SCHOOL DISTRICT REORGANIZATION**

According to the *California Code of Regulations,* the State Board of Education (SBE) requires the California Department of Education (CDE) to evaluate each petition or proposal submitted in terms of the adopted criteria and to make recommendations thereon. There is sufficient flexibility for the SBE to waive the criteria and approve whatever changes in school district organization have merit and fit the needs of a given locality, provided that the SBE determines that exceptional circumstances exist to justify approval.

The regulations regarding school district reorganization that have been adopted by the SBE are in *California Code of Regulations*, Title 5, Division 1, Chapter 20, Subchapter 4—which can be accessed through the CDE’s *California Laws and Codes* webpage at <http://www.cde.ca.gov/re/lr/cl/>.

NOTES:

The guidance in this handbook is not binding on local educational agencies or other entities. Except for statutes, regulations, and court decisions that are referenced herein, the handbook is exemplary, and compliance with it is not mandatory (see California *Education Code* Section 33308.5).

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## *CALIFORNIA CODE OF REGULATIONS* *TITLE 5*

**DIVISION 1**

**CHAPTER 20**

**SUBCHAPTER 4**

**PROCEDURES RELATING TO HEARINGS ON PROPOSALS AND PETITIONS FOR THE REORGANIZATION OF SCHOOL DISTRICTS**

### 18570. Submission of Proposals and Petitions

A proposal by the county committee on school district organization, a petition by another public agency or electors for the reorganization of a school district other than a transfer of territory, or an appeal under *Education Code* section 35710.5 or 35711 of an action by the county committee approving or disapproving a petition to transfer territory from one district to another shall be submitted to the Executive Officer of the Board. The Executive Officer of the Board shall cause the proposal, petition or the appeal to be:

(a) Reviewed and analyzed by the California Department of Education.

(b) Set for hearing before the State Board of Education at the earliest practicable date.

(c) Transmitted, together with the report and recommendation of the California Department of Education, to the Board and to such other persons as is required by law not later than ten days before the date of the hearing.

### 18571. Arguments before the Board (Original Submission)

At the time and place of hearing, the Board will receive oral and/or written arguments on the proposal, petition, or the appeal. The Board may limit the number of speakers on each side of the issue, limit the time permitted for the presentation of a particular view, and limit the time of the individual speakers. The Board will not entertain a repetition of arguments previously presented by the same or another speaker at that meeting, or presented at a previous meeting at which the proposal, petition, or appeal was considered.

### 18572. Resubmissions and Petitions for Reconsideration

(a) At any time following a decision by the Board on a proposal, petition, or appeal, the original petitioner, county committee on school district organization, or any affected school district may resubmit the same or essentially identical proposal, or may petition the Board for reconsideration of the Board’s decision.

(b) Any resubmission or petition for reconsideration shall be accompanied by new arguments or new facts not previously presented to the Board.

(c) No resubmission or petition for reconsideration shall be acted upon by the Board with respect to any reorganization proposal that has been called for election pursuant to *Education Code* section 35710.51 or 35756.

### 18573. Criteria for Reorganization of School Districts

(a) The analysis of the proposal or petition by the California Department of Education shall state findings of fact and recommendations as to whether each district affected by the proposed reorganization substantially meets the following criteria and standards:

(1) It is the intent of the State Board of Education that direct service districts not be created which will become more dependent upon county offices of education and state support unless unusual circumstances exist. Therefore, each district affected must be adequate in terms of numbers of pupils, in that:

(A) Each such district should have the following projected enrollment on the date that the proposal becomes effective or any new district becomes effective for all purposes:

Elementary District 901

High School District 301

Unified District 1,501

(B) The analysis shall state whether the projected enrollment of each affected district will increase or decline and the extent thereof.

(2) To determine whether the new district is organized on the basis of substantial community identity, the following criteria should be considered:

(A) Isolation

(B) Geography

(C) Distance between social centers

(D) Distance between school centers

(E) Topography

(F) Weather

(G) Community school and social ties and other circumstances peculiar to the area

(3) To determine whether an equitable division of property and facilities will occur, the California Department of Education will determine which of the criteria authorized in *Education Code* Section 35736 shall be applied. It shall also ascertain that the affected districts and the county office of education are prepared to appoint the committee described in *Education Code* Section 35565 to settle disputes arising from such division of property.

(4) To determine whether the new districts will promote racial or ethnic discrimination or segregation, the effects of the following factors will be considered:

(A) The current number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts, compared with the number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts if the proposal or petition were approved

(B) The trends and rates of present and possible future growth or change in the total population in the districts affected, in each racial and ethnic group within the total district, and in each school, of the affected districts

(C) The school board policies regarding methods of preventing racial and ethnic segregation in the affected districts and the effect of the proposal or petition on any desegregation plan or program of the affected districts, whether voluntary or court ordered, designed to prevent or to alleviate racial or ethnic discrimination or segregation

(D) The effect of factors such as distance between schools and attendance centers, terrain, and geographic features that may involve safety hazards to pupils, capacity of schools, and related conditions or circumstances that may have an effect on the feasibility of integration of the affected schools

(E) The effect of the proposal on the duty of the governing board of each of the affected districts to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of its cause

(5) The proposal or petition shall not significantly adversely affect the educational programs of districts affected by the proposal or petition. In analyzing the proposal or petition, the California Department of Education shall describe the district wide programs, and the school site programs, in schools not a part of the proposal or petition that will be adversely affected by the proposal or petition.

(b) The Board may waive the criteria specified in subsections (a)(1) through (a)(5) of this section and may approve a proposal or petition or decide an appeal under *Education Code* section 35710.5 or 35711 if the Board determines circumstances with respect to the proposal, petition or appeal provide a sufficient exceptional situation.