California Department of Education
School District Organization Handbook
September 2019

# CHAPTER 1INTRODUCTION

This chapter lists the source documents, laws, and regulations that are the foundation for the other chapters in this handbook. There are also definitions of common terms used throughout the document. The last section in the chapter discusses the process by which certain functions listed as the responsibilities of the county board of supervisors may have been transferred to the county superintendent of schools.

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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## A. Foundations of This Handbook

This handbook focuses on legal procedures and provisions governing school district reorganization and on the decision process that brings about a reorganization action. (*Education Code* Section [hereinafter *EC*] 35511)

These actions are governed generally by six major segments of the California *Education Code*:

### Part 2

*EC* sections 1000 to 1097 and 1500 to 1630, describing the election, organization, and funding of county boards of education, which have the major role in the reorganization process.

### 2. Part 3

*EC* sections 4000 to 4024, describing the organization and functions of the County Committee on School District Organization and the transfer of those functions to/from the County Board of Education.

### Part 4

*EC* sections 5000 to 5442, concerning district governing board members, elections, and trustee areas.

### Part 21,

Chapters 3 and 4, including *EC* sections 35500 to 35787, describing the procedure and requirements for the reorganization of districts.

### Part 25,

Chapters 4 and 5, *EC* sections 44803, 44847, 44902.1, 44902.2, 44903, 45119, 45120, 45120.1, and 45121, concerning employees in a reorganization action.

### Part 46

*EC* sections 74000 to 74290, concerning the reorganization or formation of community college districts.

Other codes of legislation, such as the *Government Code* and the *Elections Code*, are also referenced. Legal references appear in parentheses following the paragraphs to which they apply. *Education Code* references will be shown as (*EC* \_\_\_); other legal references are spelled out within the parentheses.

The regulations regarding school district organization are in Appendix A, State Board of Education Regulations and Criteria Regarding School District Reorganization.

The *Education Code* does not address every issue of the school district reorganization process that may occur. Moreover, the *Education Code* (and, subsequently, the information contained in this handbook) is subject to change by the California Legislature. It is recommended that county (or other legal) counsel be consulted whenever school district reorganization issues arise.

## B. Definitions

### 1. An "action to reorganize districts" means either of the following:

An "action to reorganize districts" means either of the following:

a. An action to form a new school district, which is accomplished through any of, or any combination of, the following:

i. Dissolving two or more existing school districts of the same kind and forming one or more new school districts of that same kind from the entire territory of the original districts.

ii. Forming one or more new school districts of the same kind from all or parts of one or more existing school districts of that same kind.

iii. Unifying school districts, including the consolidation of all or part of one or more high school districts with all or part of one or more component school districts into one or more new unified school districts.

iv. Deunifying a school district, including the conversion of all or part of a unified school district into one or more new high school districts, each with two or more new component districts.

b. An action to transfer territory, including the transfer of all or part of an existing school district to another existing school district. (*EC* 35511)

See additional elements for reorganization of community college districts in *Education Code* Section 74014.

### Lapsation

Lapsation means an action to dissolve a school district and annex the entire territory of that district to one or more adjoining school districts. (*EC* 35780.1) There is no procedure for the lapsation of community college districts.

### County Committee

County committee means the county committee on school district organization or a county board of education organized and acting as the county committee as provided for in Article 1 (commencing with Section 4000) of Chapter 1, Part 3, of the Education Code or as provided for in Article 2 (commencing with Section 4020) of Chapter 4 of Part 21 of the *Education Code*. (*EC* 35512, 74015)

### Districts

Districts means school districts of every kind or class. (*EC* 35514)

### Districts of the Same Kind

Districts of the same kind means districts having the same general grade-level groupings. All elementary school districts are districts of the same kind, all high school districts are districts of the same kind, and all unified school districts are districts of the same kind. (*EC* 35513)

### Component District

Component district means any of the following:

1. An elementary school district that is included within a high school district (*EC* 35515);
2. An elementary school district that is excluded from an action to unify a high school district but that continues to feed into the high schools of the new unified school district pursuant to subdivision (b) of Section 35542 (*EC* 35515); or,

c. A high school or unified school district that is included within a community college district. (*EC* 74012)

### 7. Affected District

Affected district means a district that has been, or is proposed to be, affected by an action to reorganize pursuant to Section 35511 or by an action to lapse a district pursuant to Section 35780.1. Affected districts include all of the following district types (EC 35514):

1. Original district means a district as it existed before an action to reorganize pursuant to Section 35511 or before an action to lapse a district pursuant to Section 35780.1. The boundaries of an “original district” are those of the district as it existed immediately before the action to reorganize or lapse.
2. Former district means a district that has been wholly included in another district, or has had all of its territory made part of two or more other districts, through any action taken pursuant to Section 35511 or through a lapse pursuant to Section 35780.1. The boundaries of a former district are those of the district as it existed immediately before an action to reorganize or lapse.
3. New district means a district that is formed from all or portions of one or more other districts by an action to reorganize taken pursuant to subdivision (a) of Section 35511. A new district does not exist before such an action.
4. Acquiring district means a district that has all or portions of one or more other districts transferred into, or lapsed into, its boundaries pursuant to subdivision (b) of Section 35511 or Section 35780.1.
5. Divided district means a district that has had a portion of its territory become part of a new district or transferred into one or more other districts by an action to reorganize taken pursuant to Section 35511.

### 8. Reorganized District

Reorganized district means a district that is a new district, an acquiring district, or a divided district. (*EC* 35514)

### Affected districts (community college districts)

Affected districts, for community college districts, means any component school district or nondistrict territory within the territory to be transferred, annexed, or formed, or both, or any community college district subject to an action to reorganize districts. (*EC* 74016)

### Uninhabited territory

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 school district boundary change. (*EC* 35517)

## C. Transfer of Functions

In many counties, the duties or functions of the county board of supervisors relating to matters of school district organization have been transferred to the county board of education, by resolution pursuant to *Education Code* sections 1043 and 1080. Therefore, duties or functions that are described in this handbook as a responsibility of the board of supervisors may actually be the responsibility of the county board of education in certain counties. Legal counsel should be consulted where there are questions relating to this topic in any individual county.

Chapter 3 contains a discussion of transferring the duties of the county committee.