

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ssb-sfsd-sep18item03

# California State Board of Education September 2018 Agenda Item #06

## Subject

Chief Petitioner Appeal from an Action of the San Mateo County Committee on School District Organization to Approve a Petition to Transfer Territory from the La Honda-Pescadero Unified School District to the Portola Valley Elementary School District and the Sequoia Union High School District in San Mateo County.

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue(s)

The San Mateo County Committee on School District Organization (County Committee) approved a petition to transfer territory from the La Honda-Pescadero Unified School District (USD) to the Portola Valley Elementary School District (ESD) and the Sequoia Union High School District (UHSD)—subsequently expanding the election area to the entire La Honda-Pescadero USD. California *Education Code* (*EC*) Section 35710.5 provides that chief petitioners and affected school districts may appeal the actions of the County Committee to the California State Board of Education (SBE). The chief petitioners appeal the action of the County Committee to expand the election area.

The La Honda-Pescadero USD has appealed approval of the territory transfer and the SBE also will take action on this appeal at the September 2018 meeting. If the SBE affirms the County Committee’s action regarding the La Honda-Pescadero USD appeal, it then must determine the area in which the election is to be held.[[1]](#footnote-1) If the SBE reverses the action of the County Committee, no election is required. Thus, the chief petitioner appeal regarding the election area is unnecessary due to SBE-required actions on the La Honda-Pescadero USD appeal.

## Recommendation

The California Department of Education (CDE) recommends that the SBE summarily deny review of the appeal (an option allowed under *EC* Section 35710.5).

## Brief History of Key Issues

The County Committee approved a petition to transfer territory from the La Honda-Pescadero USD to the Portola Valley ESD and the Sequoia UHSD. The County Committee subsequently expanded the election area to include the entire La Honda-Pescadero USD citing an understanding that the opposition of that district would require legal expansion of the election area pursuant to *EC* Section 35756.5.[[2]](#footnote-2) The chief petitioners filed an appeal, requesting that the SBE reverse the decision of the County Committee to expand the election area beyond the territory proposed for transfer.

Chief petitioners claim that County Committee members failed to understand the implications of their action to expand the election area for the following reasons:

* If the La Honda-Pescadero USD drops its opposition to the territory transfer, the election area would not be expanded absent the County Committee’s action.
* *EC* Section 35756.5 requires a district to bear any additional cost to expand an election area. County Committee action to expand the area subverts the California Legislature’s intent that districts bear the costs of their opposition.

When the chief petitioners filed their appeal, they were unsure that the La Honda-Pescadero USD also would file an appeal. Pursuant to *EC* Section 35710.5, chief petitioners must file notice of their appeal within five days of the County Committee’s action, while affected school districts have 30 days to file such notice. Thus, despite the opposition of the La Honda-Pescadero USD to the proposed transfer, the chief petitioners could not be certain that the district would file a formal appeal (assuring that the election area issue would be considered by the SBE) before the timelines for chief petitioners to file an appeal expired.

## Summary of Previous State Board of Education Discussion and Action

The SBE has not considered this issue previously. An appeal by the La Honda-Pescadero USD, challenging the County Committee action to approve the territory transfer, also is on the current SBE agenda.

## Fiscal Analysis (as appropriate)

Action by the SBE to summarily deny review of the chief petitioners’ appeal will have no fiscal effects on any state or local agency.

## Attachment(s)

None

1. *EC* Section 35756 requires the County Superintendent of Schools to call for an election that is to be conducted in the territory of the districts as determined by the SBE. [↑](#footnote-ref-1)
2. *EC* Section 35710 requires an election when an affected district opposes an approved transfer of territory. The County Committee may expand the election area beyond the territory proposed for transfer. *EC* Section 35756.5 requires the election area to include the entire territory of an opposing district that has 900 or fewer students. The 2016–17 enrollment of La Honda-Pescadero USD is 318. [↑](#footnote-ref-2)