

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2024 Agenda Item #W-04

## Subject

Request by **Rim of the World Unified** to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

## Waiver Number

## 4-3-2024

## Type of Action

Action, Consent

## Summary of the Issues

The Rim of the World Unified School District (USD) is requesting a waiver of California *Education Code* (*EC*) sections to be waived**:** 17455, 17466, 17469, 17472, 17473, 17474, 17475, which will allow the district to sell or lease a piece of property, in a manner that best serves its schools and community, through the Request for Proposal (RFP) process.

## Authority for Waiver

California *EC* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

## The California Department of Education (CDE) recommends approval with the following condition: The proposal that the Rim of the World USD’s governing board determines to be the most desirable shall be selected within 30 to 60 days of the public meeting where the proposal was received, and that the reasons for that determination be discussed in public session and included in the minutes of the meeting.

Approval of this waiver only applies to aforementioned sections and provisions of the Education Code from which Rim of the World USD seeks a waiver and does not extend to any other legal requirements that may be applicable to the sale or lease of property.

## Summary of Key Issues

Under provisions of *EC* Section 33050, Rim of the World USD requests that the specified *EC* sections be waived in order to allow the district to finalize the sale of a 12.2-acre piece of real property located at 180 Grandview Road, Twin Peaks, CA, 92391, through an RFP rather than a public bid process. This property previously served as the location for Grandview Elementary School, but it has not been utilized as a school by the district since June 30, 2015. The closure of Grandview Elementary prompted the transfer of students attending that school to Lake Arrowhead and Valley of Enchantment Elementary schools.

Following the recommendation of their Facilities Advisory Committee, the district declared the site surplus. No concerns or objections were raised by the community or other stakeholders at either the Facilities Advisory Committee meeting on February 15, 2024, or the governing board meeting on February 22, 2024, where the site's surplus declaration and the waiver request were approved.

The district staff and consultants issued written solicitations for offers to entities specified in *EC* Section 17464 and *Government Code* Section 54220 et seq. The deadline for written offers was May 28, 2022. Notably, no significant written offers were received during this period. Oral bids ranging from $10,000 to $100,000 were submitted by two bidders. Consequently, the board of trustees determined it necessary to explore various options for the property's future, including a waiver from statutory requirements to explore sale or lease via an RFP rather than a public bid process. The district held a public hearing on the waiver and the governing board unanimously approved the oral bids resolution for the district to seek a waiver on May 25, 2023 without objection from the public.

### Demographic Information

Rim of the World USD is a rural district nestled in the San Bernardino Mountains within San Bernardino County. It has an enrollment of 2,850 students.

**Because these are general waivers, if the State Board of Education (SBE) decides to deny the waivers, it must cite one of the seven reasons in *EC* Section 33051(a), available on the California Legislation Information web page at** <https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.>

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

The SBE has approved all previous waivers regarding the bidding process and the sale or lease of surplus property. The district is requesting to waive the same or similar provisions for the sale or lease of surplus property. The SBE approved a property waiver (currently in escrow) for this districtin September of 2022 (Waiver Number: 1-9-2022-W-03).

## Fiscal Analysis

The flexibility in property disposition requested herein will allow the district to maximize value from the saleor lease of the property.

The district has certified that the site has been owned for more than 10 years and therehave been no improvements funded by monies from the State School Facilities Program within the last 10 years. Therefore, pursuant to *EC* Section 17462.3, financial reimbursement is not due to the State Allocation Board.

## Attachments

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Rim of the World Unified School District General Waiver Request 4-3-2024 (2 pages). (Original waiver request is signed and on file in the Waiver Office).

# Attachment 1: Summary Table

California *EC* Section 17455 et seq.

| **Waiver Number** | **District** | **Properties** | **Period of Request** | **Local Board Approval Date** | **Public Hearing Date** | **Bargaining Unit Representatives** | **Advisory Committee Consulted** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 4-3-2024 | Rim of the World Unified  School District | 180 Grandview Rd. Arrowhead, CA 92352 | **Requested:**  Start: 5/1/2024  End: 12/31/2026  **Recommended:**  Start: 5/1/2024  End: 4/29/2026 | 2/22/2024 | 2/22/2024  Notice in local newspapers on 2/1/24, 2/8/24 and 2/15/24 | Classified School Employees Association  Suzanne Grow President  01/12/2024  **Support**  Rim Teachers Association  Amanda Markovich President  01/10/2024  **Support** | District Surplus Property Advisory Committee 2/15/2024 **No Objections** |

Created by the California Department of Education

July 2024

# Attachment 2: Rim of the World **Unified School District General** **Waiver Request** 4-3-2024

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667868

Waiver Number: 4-3-2024

Active Year: 2024

Date In: 3/12/2024 11:12:25 AM

Local Education Agency: Rim of the World Unified

Address: PO Box 430

Lake Arrowhead, CA 92352

Start: 5/1/2024

End: 12/31/2026

Waiver Renewal: No

Waiver Topic: Sale or Lease of Surplus Property

Ed Code Title: Sale of Surplus Property

Ed Code Section: 17455, 17466, 17469, 17472, 17473, 17474, 17475

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Public bid requirements. Please see attachment A

Outcome Rationale: Please see attachment B

Student Population: 2863

City Type: Rural

Public Hearing Date: 2/22/2024

Public Hearing Advertised: Notice in newspapers on 2/1/24, 2/8/24 and 2/15/24

Local Board Approval Date: 2/22/2024

Community Council Reviewed By: Strategic Planning and Advisory Committee (7-11 committee)

Community Council Reviewed Date: 2/15/2024

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Jenny Haberlin

Position: Chief Business Official

E-mail: [jenny\_haberlin@rimsd.k12.ca.us](mailto:jenny_haberlin@rimsd.k12.ca.us)

Telephone: 909-336-4140

Fax: 909-336-4152

Bargaining Unit Date: 01/12/2024

Name: Classified School Employees Association

Representative: Suzanne Grow

Title: President

Phone: (909) 589-0396

Position: Support

Bargaining Unit Date: 01/10/2024

Name: Rim Teachers Association

Representative: Amanda Markovich

Title: President

Phone: (909) 336-2038

Position: Support