

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

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

## Subject

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

## Waiver Number

7-9-2024

## Type of Action

Action, Consent

## Summary of the Issues

The Rim of the World Unified School District (USD) is requesting to waive all of California *Education Code* (*EC*) sections 17473 and 17474, and portions of sections 17455, 17466, 17469, 17472, and 17475, which will allow the district to sell 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 conditions: that the proposal the district’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 the aforementioned sections and provisions of the *EC* from which the district 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

Rim of the World USD requests that the specified *EC* sections be waived in order to allow the district to maximize the return on the sale or lease of a piece of real property located at North Seeley Drive at Nob Place in the town of Crestline, through an RFP rather than a public bid process.

The Crestline property is vacant land, consisting of an 18-acre parcel purchased in 1992. Approximately a third of the site is appropriate for building, while the remainder is steeply sloped. The land is undeveloped and has never been used for any district purposes. The district is experiencing long-term enrollment declines, dropping by over half since the 1996–97 school year, when enrollment was 6,078, to its current student population of 2,877. Therefore, the district has determined that this site is not needed for educational purposes.

In January of 2021, the State Board of Education (SBE) authorized a waiver allowing the district to employ the RFP process for two properties, the North Seeley Drive property, that is the subject of this waiver request, and another located at 27315 North Bay Road in Blue Jay. While the district was able to sell the North Bay Road property, the remaining North Seeley property has been challenging to sell, due to the rural area and the nature of the site. The district is requesting that the SBE approve this waiver so that they can continue entertaining competitive bids on this property. Neither the original waiver, nor the subsequent renewal, approved at the January 2023 SBE meeting, has received opposition at the local level. There were no objections from the public at the September 12, 2024, meeting where the request for this waiver was approved, and the board of trustees voted in favor unanimously (4-0, 1 absent). The district’s classified and certificated bargaining units are both in support.

**Demographic Information**

Rim of the World USD is a rural district located in an unincorporated portion of San Bernardino County. It has a population of 2,877 students.

**Because this is a general waiver, if the SBE decides to deny the waiver, 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. This property was originally granted a waiver in January of 2021 (Waiver number 6-9-2020), with an additional waiver in January of 2023 (Waiver number 1-9-2022)

## 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 7-9-2024 (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** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 7-9-2024 | Rim of the World Unified School District | North Seeley Drive at Nob Place in Crestline, CA 92325 | **Requested:** Start: 10/1/2024  End: 12/31/2026  **Recommended:** Start: 10/1/2024  End: 9/30/2026 | 9/12/2024 | 9/12/2024  Notices at school sites and district office, notice on district website, district-wide email | Classified School Employees Association Suzanne Grow President 8/27/2024 Support  Rim Teachers Association Amanda Marcovich  President 9/6/2024 Support | Surplus Property Advisory Committee 9/9/2024 **No Objections** |

Created by the California Department of Education

January 2025

# Attachment 2: Rim of the World Unified School District General Waiver Request 7-9-2024

**California Department of Education**

**WAIVER SUBMISSION - General**

CDS Code: 3667868

Waiver Number: 7-9-2024

Active Year: 2024

Date In: 9/19/2024 10:56:52 AM

Local Education Agency: Rim of the World Unified

Address: PO Box 430

Lake Arrowhead, CA 92352

Start: 10/1/2024

End: 12/31/2026

Waiver Renewal: Yes

Previous Waiver Number: 1-9-22-W03

Previous SBE Approval Date: 3/6/2023

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: 33050-33053

*Education Code* or *CCR* to Waive: Public Bid Auction Requirements

Outcome Rationale: See attached

Student Population: 2877

City Type: Rural

Public Hearing Date: 9/12/2024

Public Hearing Advertised: Website, email and notice at all school and district offices

Local Board Approval Date: 9/12/2024

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

Community Council Reviewed Date: 9/9/2024

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

Bargaining Unit Date: 08/27/2024

Name: Classified School Employees Association

Representative: Suzanne Grow

Title: President

Phone: (909) 589-0396

Position: Support

Bargaining Unit Date: 09/06/2024

Name: Rim Teachers Association

Representative: Amanda Markovich

Title: President

Phone: (909) 336-2038

Position: Support