

AMENDED IN SENATE APRIL 28, 2011

SENATE BILL

No. 821

Introduced by Senator Fuller

February 18, 2011

An act to add Article 3.5 (commencing with Section 35740) to Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code, relating to school district reorganization.

LEGISLATIVE COUNSEL'S DIGEST

SB 821, as amended, Fuller. School district reorganization: fiscal actions of newly organized or reorganized school districts.

Under existing law, the process of school district reorganization begins with the submission of a petition that is reviewed by the county superintendent of schools and, if sufficient, forwarded to the county committee on school district organization and the State Board of Education for additional review and public hearings. The county committee on school district organization is authorized to formulate plans and recommendations for the reorganization of school districts. The reorganization, if approved by the county committee *on school district reorganization* or the State Board of Education, is required to be voted upon during the next available election. The reorganization plans are also required to meet specified requirements, and the reorganization plans for school districts with more than 500,000 pupils based on average daily attendance are required to satisfy additional conditions.

This bill would, with respect to a school district involved in a reorganization, as specified, require the interim or governing board of the existing school district or districts, and, where applicable, the administrators of the existing school district or districts, to notify the

county superintendent of schools in writing and provide relevant documents and information no less than 10 schooldays, as defined, before taking any action on any matter that could have a material fiscal impact ~~on, or impose a debt, or liability, including, but not necessarily limited to, the approval of a charter school in-~~ on, the existing, proposed, newly formed, or newly organized school district.

The bill would authorize the county superintendent of schools to review any action taken or proposed to be taken by any interim or existing governing board or school district administrators to determine whether that action would have a material fiscal impact, debt, or liability on the existing, proposed, newly formed, or newly organized school district. The bill would further provide that if, based on the county superintendent of schools review, the county superintendent of schools determines that the action or proposed action would have a material fiscal impact on the existing, proposed, newly formed, or newly organized school district, and that action is unnecessary for the immediate functioning of the existing or newly formed school district, the county superintendent of schools would be authorized to stay or rescind that action.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.5 (commencing with Section 35740) is
 2 added to Chapter 4 of Part 21 of Division 3 of Title 2 of the
 3 Education Code, to read:

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 5 Article 3.5. Fiscal Actions of Newly Organized or Reorganized
 6 School Districts

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 8 35740. In addition to satisfying the requirements of subdivision
 9 (j) of Section 42127.6, upon the approval of a petition for
 10 reorganization and continuing after the certification of the election
 11 results for a newly organized school district pursuant to Section
 12 35763, or upon the appointment of an interim governing board
 13 pursuant to Section 35100, until the effective date of the newly
 14 organized or newly formed school district in accordance with
 15 Article 4 (commencing with Section 35530) of Chapter 3, a school
 16 district involved in a reorganization as an existing, proposed, newly

1 formed, or newly organized school district is subject to all of the
2 following:

3 (a) (1) The interim board or the governing board of the existing
4 school district or districts, and, where applicable, the administrators
5 of the existing school district or districts, shall notify the county
6 superintendent of schools in writing and provide relevant
7 documents and information no less than 10 schooldays before
8 taking any action on any matter that could have a material fiscal
9 impact, ~~debt, or liability, including, but not necessarily limited to,~~
10 ~~the approval of a charter school in~~ *on, or impose a debt or liability*
11 *on*, the existing, proposed, newly formed, or newly organized
12 school district.

13 (2) Notwithstanding any other provision of law, failure to
14 provide the notice required by paragraph (1) shall nullify the action
15 taken by the board or administrator of the school district or districts.

16 (3) As used in this section, “schoolday” means a day upon which
17 the schools of the district are in session or non-holiday weekdays
18 during the summer recess.

19 (b) The county superintendent of schools may review any action
20 taken or proposed to be taken by any interim or existing governing
21 board or school district administrators to determine whether that
22 action would have a material fiscal impact, debt, or liability on the
23 existing, proposed, newly formed, or newly organized school
24 district. If, based on the review of the county superintendent of
25 schools, the county superintendent of schools determines that the
26 action or proposed action would have a material fiscal impact on
27 the existing, proposed, newly formed, or newly organized school
28 district, and that action is unnecessary for the immediate
29 functioning of the existing or newly formed school district, the
30 county superintendent of schools may stay or rescind that action.
31 The county superintendent of schools shall inform the existing or
32 interim reorganized school district governing board of the school
33 district administrators in writing of his or her justification for the
34 exercise of authority under this subdivision to deny the request.

35 (c) A school district shall provide any documents or information
36 requested by the county superintendent of schools in a timely
37 manner related to proposed actions that are under review pursuant
38 to this section.

39 (d) The requirements of this section shall apply irrespective of
40 a school district’s budget or certification status under Article 2

- 1 (commencing with Section 42120) or Article 3 (commencing with
- 2 Section 42130) of Chapter 6 of Part 24.

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