

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 803

Introduced by Assembly Member Hadley

February 26, 2015

An act to add Section ~~35721.7~~ 35700.2 to the Education Code, ~~and Section 21080.18.5 to the Public Resources Code~~, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 803, as amended, Hadley. School districts: ~~reorganization.~~ *reorganization: formation of new school districts.*

(1) Existing law ~~specifies a process~~ *establishes procedural requirements* for the ~~unification or~~ reorganization of school districts. ~~As part of that process, existing law requires a county committee on school district organization to hold a public hearing upon receipt of a petition signed by at least 10% of the qualified electors residing in any school district for consideration of unification or other reorganization of any area. Existing law also requires a county committee on school district organization to hold a public hearing upon receipt of a resolution approved by a majority of the members of specified local agencies for consideration of unification or other reorganization of any area. Following those public hearings, existing law requires the county committee on school district organization to grant or deny the petition or resolution proposal. If a county committee on school district organization approves a petition to transfer territory, existing law requires the county committee to notify the county superintendent of~~

~~schools who, upon that notification, is required to call an election in the territory of the school district, as specified. Existing law provides that an action to reorganize one or more school districts may be initiated upon the filing of a petition with the county superintendent of schools by a specified percentage or number of registered voters residing within the territory proposed to be reorganized, by the owner of the property if the territory is uninhabited, or by a majority of the members of the governing boards of each school district that would be affected by the proposed reorganization.~~

~~Notwithstanding those provisions, this bill would create a separate procedure for inhabited territory transfers establish separate procedural requirements for an action to form a new school district within the boundaries of a single school district for the formation of a new school district within a single county. The bill would authorize a transfer an action to be initiated by a petition signed by at least 10% of the number of qualified electors who voted in the last gubernatorial election and who reside within the boundaries of the proposed school district, or by resolution of a local agency, as defined, approved by a majority of its members. Upon receipt of a petition or resolution proposal, the bill would require the county board of education to hold a public hearing, as specified. If a petition or proposal is granted, the bill would require the county superintendent of schools to call an election of registered voters within the boundaries of the proposed school district, as specified. By imposing additional duties on county boards of education and county superintendents of schools, the bill would impose a state-mandated local program.~~

~~The bill would require the county board of education to hold a public hearing on a petition upon receipt of that petition, and to grant or deny the petition following the hearing. The bill would also require the county board of education, upon receipt of a resolution proposal, to hold a public hearing on that proposal jointly with the local agency that initiated the proposed transfer, and would require the county board of education and the local agency to jointly grant or deny the proposal by majority vote of all members. By imposing additional duties on county boards of education, the bill would impose a state-mandated local program.~~

~~The bill would require a petition to identify the persons who will represent the proposed school district at those public hearings. The bill would also require the local agency to appoint persons to represent the proposed school district at those public hearings by a resolution.~~

The bill would require the county superintendent of schools to call an election of registered voters within the boundaries of the territory to be transferred, as specified, if a petition or proposal is granted. By imposing additional duties on county superintendents of schools, the bill would impose a state-mandated local program.

(2) The California Environmental Quality Act (CEQA) generally requires all state and local governmental lead agencies to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project that they propose to carry out or approve that may result in a significant effect on the environment, that is, a substantial, or potentially substantial, adverse change in the physical conditions that exist within the area that will be affected by the project.

This bill would provide that CEQA shall not apply to inhabited territory transfers within the boundaries of a single school district for the formation of a new school district within a single county where only existing facilities will be transferred.

(3)

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 35721.735700.2 is added to the Education
- 2 Code, to read:
- 3 35721.7.
- 4 35700.2. (a) Notwithstanding any other law, the following
- 5 provisions apply to inhabited territory transfers *an action to form*
- 6 *a new school district* within the boundaries of a single school
- 7 district for the formation of a new school district within a single
- 8 county:
- 9 (1) The transfer action may be initiated by either of the
- 10 following:

1 (A) A petition signed by at least 10 percent of the number of
2 qualified electors who voted in the last gubernatorial election and
3 who reside within the boundaries of the ~~territory proposed to be~~
4 ~~transferred~~ *school district*. The petition shall identify persons who
5 will represent the proposed school district in public hearings.

6 (B) A resolution of a local agency approved by a majority of
7 its members. The local agency shall also appoint persons to
8 represent the proposed school district in public hearings by a
9 resolution.

10 (2) Upon receipt of a petition specified in subparagraph (A) of
11 paragraph (1), the county board of education shall hold a public
12 hearing on the petition at a regular or special meeting. Following
13 the hearing, the county board of education shall grant or deny the
14 petition.

15 (3) Upon receipt of a resolution specified in subparagraph (B)
16 of paragraph (1), the county board of education and the local
17 agency that initiated the ~~transfer~~ *proposal to form a new school*
18 *district* shall jointly hold a public hearing on the ~~transfer that~~
19 *proposal* at a regular or special meeting. Following the hearing,
20 the county board of education and the local agency that initiated
21 the ~~transfer~~ *proposal* shall jointly grant or deny the ~~transfer~~ *proposal*
22 by a majority vote of all members.

23 (4) If a petition or proposal is granted, the county superintendent
24 of schools shall call an election of registered voters within the
25 boundaries of the ~~territory to be transferred~~ *proposed school district*
26 to be conducted at the next election of any kind in accordance with
27 either of the following:

28 (A) Section 1002 of the Elections Code and Part 4 (commencing
29 with Section 5000) of Division 1 ~~or~~ *of* Title 1.

30 (B) Division 4 (commencing with Section 4000) of the Elections
31 Code.

32 (b) For purposes of this section, “local agency” means a city
33 council, county board of supervisors, governing body of a special
34 district, or local agency formation commission that has jurisdiction
35 over all or a portion of the proposed school district.

36 (c) *The provisions of Section 35705.5 shall apply to a petition*
37 *to form a new school district initiated pursuant to this section.*

38 ~~SEC. 2.—Section 21080.18.5 is added to the Public Resources~~
39 ~~Code, to read:~~

1 ~~21080.18.5. This division shall not apply to inhabited territory~~
2 ~~transfers within the boundaries of a single school district for the~~
3 ~~formation of a new school district within a single county where~~
4 ~~only existing facilities will be transferred.~~

5 ~~SEC. 3.~~

6 *SEC. 2.* If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.