

**ASSEMBLY BILL**

**No. 107**

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**Introduced by Assembly Member Boland**  
(Principal coauthor: Senator Hayden)

January 9, 1995

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An act to amend Sections 35546, 35700, 35721, and 35722 of the Education Code, relating to school district organization.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, as introduced, Boland. School districts: reorganization.

(1) Existing statutory law provides that territory within the boundaries of a city may not be withdrawn from a school district governed by a board provided for in the charter of that city without the consent of the governing board of the district.

This bill would make that provision inapplicable in any city with a population of over 3,000,000 persons.

(2) Under existing law, an action to reorganize one or more school districts may be initiated upon the filing, with the county superintendent of schools, of a petition to reorganize the districts signed by at least 25% of the registered voters residing in the territory proposed to be reorganized. Upon receipt of the petition, the county superintendent transmits the petition to the county committee on school district organization and the State Board of Education. The county committee is required to make recommendations regarding the petition and transmit those recommendations to the state board which then conducts a hearing on the petition and approves or disapproves the proposal.

This bill would provide that an action for reorganization also may be initiated upon the filing of a petition signed by a number of registered voters residing in the territory proposed to be reorganized, equal to at least 8% of the votes cast for all candidates for Governor at the last gubernatorial election in the territory proposed to be reorganized, where the affected territory consists of a single school district with over 200,000 pupils in average daily attendance and the petition is to reorganize the district into several districts.

(3) Under existing law, an alternative procedure to that described in (2) above to initiate a school district reorganization may be utilized if 10% of the qualified electors in a school district file a petition with the county committee on school district organization, which then conducts a hearing and subsequently grants or denies the petition, as specified.

This bill would authorize this alternative process to be initiated upon receipt of a petition signed by at least 5% of the qualified electors in the case of a school district with over 200,000 pupils in average daily attendance and the petition is to reorganize the district into several districts.

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

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

1 SECTION 1. Section 35546 of the Education Code is  
2 amended to read:

3 35546. (a) Territory within the boundaries of a city  
4 may not be withdrawn from a school district governed by  
5 a board provided for in the charter of the city without the  
6 consent of the governing board of the district.

7 (b) *This section does not apply in a city with a*  
8 *population of over 3,000,000 persons.*

9 SEC. 2. Section 35700 of the Education Code is  
10 amended to read:

11 35700. An action to reorganize one or more districts  
12 is initiated upon the filing, with the county  
13 superintendent of schools, of a petition to reorganize one  
14 or more school districts signed by any of the following:



1 (a) At least 25 percent of the registered voters residing  
2 in the territory proposed to be reorganized if the territory  
3 is inhabited. Where the petition is to reorganize territory  
4 in two or more school districts, the petition shall be signed  
5 by at least 25 percent of the registered voters in that  
6 territory in each of those districts.

7 (b) *A number of registered voters residing in the*  
8 *territory proposed to be reorganized, equal to at least 8*  
9 *percent of the votes cast for all candidates for Governor*  
10 *at the last gubernatorial election in the territory proposed*  
11 *to be reorganized, where the affected territory consists of*  
12 *a single school district with over 200,000 pupils in average*  
13 *daily attendance and the petition is to reorganize the*  
14 *district into several districts.*

15 (c) The owner of the property, provided that territory  
16 is uninhabited and the owner thereof has filed either a  
17 tentative subdivision map with the appropriate county or  
18 city agency or an application for any project, as defined  
19 in Section 21065 of the Public Resources Code, with one  
20 or more local agencies.

21 (e)

22 (d) A majority of the members of the governing  
23 boards of each of the districts that would be affected by  
24 the proposed reorganization.

25 SEC. 3. Section 35721 of the Education Code is  
26 amended to read:

27 35721. (a) On receipt of a petition signed by at least  
28 10 percent of the qualified electors residing in any district  
29 for a consideration of unification or other reorganization  
30 of any area, the county committee shall hold a public  
31 hearing ~~thereon~~ *on the petition* at a regular or special  
32 meeting.

33 (b) *On receipt of a petition signed by at least 5 percent*  
34 *of the qualified electors residing in a school district with*  
35 *over 200,000 pupils in average daily attendance in which*  
36 *the petition is to reorganize the district into several*  
37 *districts, the county committee shall hold a public hearing*  
38 *on the petition at a regular or special meeting.*

39 (c) Following ~~such~~ *the hearing conducted pursuant to*  
40 *subdivision (a) or (b), the county committee shall grant*



1 or deny the petition. If the county committee grants the  
2 petition, it shall adopt a tentative recommendation  
3 following which action it shall hold one or more public  
4 hearings in the area proposed for reorganization. The  
5 provisions of Sections 35705 and 35705.5 shall apply to any  
6 such public hearing.

7 SEC. 4. Section 35722 of the Education Code is  
8 amended to read:

9 35722. Following the public hearing, or last public  
10 hearing, required by Section 35720.5 or subdivision ~~(b)~~  
11 (c) of Section 35721, the county committee may adopt a  
12 final recommendation for unification or other  
13 reorganization and shall transmit that recommendation  
14 together with the petition filed under subdivision (a) *or*  
15 (b) of Section 35721, if any, to the State Board of  
16 Education for hearing as provided in Article 4  
17 (commencing with Section 35750); or shall transmit the  
18 petition to the State Board of Education and order the  
19 reorganization granted if the requirements of Section  
20 35709 are satisfied; or shall transmit the petition to the  
21 State Board of Education and order that an election be  
22 held if the requirements of Section 35710 are satisfied.

