

**Assembly Bill No. 107**

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Passed the Assembly July 24, 1995

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*Chief Clerk of the Assembly*

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Passed the Senate July 21, 1995

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1995, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

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

## LEGISLATIVE COUNSEL'S DIGEST

AB 107, 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(1) Existing statutory law provides that territory within the boundaries of a city may not be withdrawn from a school district governed by a board provided for in the charter of that city without the consent of the governing board of the district.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 delete that provision.

(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 two or more 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 two or more districts.

(4) The bill would provide that it would become operative only if SB 699 of the 1995–96 Regular Session of the Legislature is enacted and becomes operative.

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

SECTION 1. Section 35546 of the Education Code is repealed.

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

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

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

(b) A number of registered voters residing in the territory proposed to be reorganized, equal to at least 8 percent 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 two or more districts.



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

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

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

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

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

(c) Following the hearing conducted pursuant to subdivision (a) or (b), the county committee shall grant or deny the petition. If the county committee grants the petition, it shall adopt a tentative recommendation following which action it shall hold one or more public hearings in the area proposed for reorganization. The provisions of Sections 35705 and 35705.5 shall apply to any such public hearing.

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

35722. Following the public hearing, or last public hearing, required by Section 35720.5 or subdivision (c) of Section 35721, the county committee may adopt a final recommendation for unification or other reorganization and shall transmit that recommendation together with the petition filed under subdivision (a) or (b) of Section 35721, if any, to the State Board of Education for hearing as provided in Article 4 (commencing with Section



35750); or shall transmit the petition to the State Board of Education and order the reorganization granted if the requirements of Section 35709 are satisfied; or shall transmit the petition to the State Board of Education and order that an election be held if the requirements of Section 35710 are satisfied.

SEC. 5. This act shall become operative only if Senate Bill 699 of the 1995–96 Regular Session of the Legislature is enacted and becomes operative.



Approved \_\_\_\_\_, 1995

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*Governor*

