

ASSEMBLY BILL

No. 513

Introduced by Assembly Member Cannella

February 17, 1995

An act to amend Section 35780 of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 513, as introduced, Cannella. School district reorganization: lapsation.

Under existing law, the county committee on school district organization shall initiate lapsation procedures or revert the reorganized district to its original status if, after 5 years, a newly organized school district has been unable to provide the necessary school facilities for instructional services by employees of the district to all pupils who are residents of the district.

This bill would instead provide that if the newly organized school district has not been able to provide these necessary school facilities because there are no state bond funds available and the school district is unable to fund the project through other specified means, including local bonds, the county committee shall not initiate the lapsation procedures nor revert the reorganized district to its original status.

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. Section 35780 of the Education Code is
 2 amended to read:

3 35780. (a) Any school district which has been
 4 organized for more than three years shall be lapsed as
 5 provided in this article if the number of registered
 6 electors in the district is less than six or if the average daily
 7 attendance of pupils in the school or schools maintained
 8 by the district is less than six in grades 1 through 8 or is less
 9 than 11 in grades 9 through 12, except that for any unified
 10 district which has established and continues to operate at
 11 least one senior high school, the board of supervisors shall
 12 defer the lapsation of the district for one year upon a
 13 written request of the governing board of the district and
 14 written concurrence of the county committee. The board
 15 of supervisors shall make no more than three ~~such~~
 16 deferments.

17 (b) ~~For~~(1) *Except as provided in paragraph (2) of*
 18 *this subdivision, a newly organized school district that has*
 19 *been unable to provide the school facilities necessary for*
 20 *instructional services by employees of the district to all of*
 21 *the pupils who are residents of the district after five years*
 22 *from the date that the reorganization became effective,*
 23 *the county committee on school district organization,*
 24 *upon direction from the State Board of Education, shall*
 25 *initiate lapsation procedures pursuant to Section 35783 or*
 26 *revert the reorganized district to its original status.*

27 (2) *A school district shall not be lapsed or reverted*
 28 *under paragraph (1) if the newly organized school*
 29 *district has been unable to provide the necessary school*
 30 *facilities for instructional service to all of the pupils who*
 31 *are residents of the district under paragraph (1) because*
 32 *there are no state bond funds available and the school*
 33 *district is unable to fund the project through any other*
 34 *available means including, but not limited to, one of the*
 35 *following:*

36 (A) *Local bonded indebtedness.*

37 (B) *Funding provided under the Mello-Roos*
 38 *Community Facilities Act of 1982 contained in Chapter*



1 2.5 (commencing with Section 53311) of Division 2 of
2 Title 5 of the Government Code for purposes of school
3 facilities.

4 (C) Developer fees or other charges imposed
5 pursuant to Section 53080 of, or Title 7 (commencing with
6 Section 65000) of, the Government Code, for which an
7 ordinance, resolution, or other legislative enactment has
8 been adopted.

9 (c) A school district may also be lapsed when there are
10 no school facilities or sites on which to maintain any school
11 in the district.

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