

GUIDELINES FOR THE
VENTURA COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION

California Education Code
Sections 35500 through 35785

and

California Code of Regulations
Title 5
Sections 18570 through 18573

Passed and Adopted at the
October 16, 2003
VCCSDO Meeting

CALIFORNIA EDUCATION CODE SECTIONS 35500-35785

§ 35500. Legislative intent

It is the intent of the Legislature to utilize the organization of districts as they existed on January 1, 1981, and local educational needs and concerns shall serve as the basis for future reorganization of districts in each county. *(Added by Stats.1980, c. 1192, p. 4004, § 2. Amended by Stats.1990, c. 1263 (A.B.2875), § 10.) (Amended by Stats.2000, c. 1058 (A.B.2907), § 17.)*

§ 35501. Applicability of chapter

On and after January 1, 1981, this chapter and Chapter 4 (commencing with Section 35700) shall apply to an action to reorganize school districts. *(Added by Stats.1980, c. 1192, p. 4004, § 2. Amended by Stats.1990, c. 1372 (S.B.1854), § 189.) (Amended by Stats.1994, c. 1186 (S.B.1537), § 4.)*

§ 35510. Construction of chapter

Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter. *(Added by Stats.1980, c. 1192, p. 4004, § 2.)*

§ 35511. Action to reorganize districts

An "action to reorganize districts" means an action to form, dissolve, or lapse a school district, to annex all or part of the territory of a district to another district, to transfer all or part of a district to another district, the unification or deunification of a school district, or to otherwise alter the boundaries of a school district, or any combination of all such actions. *(Added by Stats.1980, c. 1192, p. 4004, § 2.)*

§ 35512. County committee

"County committee" means the county committee on school district organization, organized and acting as provided for in Article 1 (commencing with Section 4000) of Chapter 1 of Part 3, or the county board of education, organized and acting as provided for in Article 2 (commencing with Section 4020) of Chapter 1 of Part 3. *(Added by Stats.1980, c. 1192, p. 4004, § 2. Amended by Stats.1987, c. 1452, § 213.)*

§ 35513. Districts of the same kind

For the purposes of any reference in this chapter to "districts of the same kind," all elementary school districts are districts of the same kind, all high school districts are districts of the same kind, and all unified school districts are districts of the same kind. *(Added by Stats.1980, c. 1192, p. 4004, § 2.)*

§ 35514. Districts

"Districts" means school districts of every kind or class. *(Added by Stats.1980, c. 1192, p. 4004, § 2.)*

§ 35515. Component district

"Component district" means an elementary school district which is included within a high school district. *(Added by Stats.1980, c. 1192, p. 4004, § 2. Amended by Stats.1982, c. 466, p. 1970, § 25.)*

§ 35516. Former district

"Former district" means a district which has been wholly included in another district. The boundaries of a former district are those of the district as it existed immediately prior to being wholly included in another district. *(Added by Stats.1980, c. 1192, p. 4004, § 2.)*

§ 35520. Proceedings or actions to reorganize to be taken in each of the counties involved

In any action to reorganize school districts, which are located in more than one county and are under the jurisdiction of different county superintendents of schools, the proceedings to be conducted or the actions to be taken by county officers or agencies shall be conducted or taken in each of the counties involved, except as provided in this article or as otherwise provided by law. *(Added by Stats.1980, c. 1192, p. 4005, § 2.)*

§ 35521. Petition

Any petition to a county officer or agency in an action referred to in Section 35520 shall be presented in each county. The sufficiency of the petition shall be determined jointly by the county superintendents who have jurisdiction over the districts in which any petitioners reside. *(Added by Stats.1980, c. 1192, p. 4005, § 2.)*

§ 35522. Election

Any election in an action referred to in Section 35520 shall be called and conducted by each county superintendent in the districts which are under his or her jurisdiction and in which the election is to be held. The designation of the date and hours of the election, the form and content of the ballot, and the declaration of the result of the election shall be by joint action of the county superintendents having jurisdiction over the districts who call and conduct the election. *(Added by Stats.1980, c. 1192, p. 4005, § 2.)*

§ 35523. Public hearing

Any public hearing required, or allowed to be held, in an action referred to in Section 35520 may be conducted in each county, or jointly in either county, as it appears most convenient and practical to the county officers or agencies conducting the hearing. *(Added by Stats.1980, c. 1192, p. 4005, § 2.)*

§ 35524. Decision to grant or deny the proposed reorganization

Any decision in an action referred to in Section 35520 to recommend reorganization or to recommend approval or disapproval of a petition for reorganization may be taken at, or following, a joint public hearing. If separate hearings are conducted in each county, a decision to grant or deny the proposed reorganization shall be made only after findings and tentative conclusions of the hearings in each county have been transmitted to the officer or agency which conducted the hearings in each of the other counties. *(Added by Stats.1980, c. 1192, p. 4005, § 2.)*

§ 35530. Completion of action to reorganize districts

An action to reorganize districts is complete when the board of supervisors makes the order required pursuant to Section 35765. *(Added by Stats.1980, c. 1192, p. 4005, § 2.)*

§ 35531. Completion of action to form a unified school district

An action to form a unified school district pursuant to Section 35543 is complete upon the date of completion of the action by which the boundaries of the districts comprising the unified school district become coterminous. *(Added by Stats.1980, c. 1192, p. 4005, § 2.)*

§ 35532. Effective date for changes

Except as otherwise provided in this article, in any school district which is created or whose boundaries or status is changed by an action to reorganize districts, the changes shall be effective on the date when all of the following are completed:

- (a) The determination of the assessed valuation of any district or districts affected by the action.
- (b) The appointment or election of members of the governing board.
- (c) The preparation and submission of the school district budgets.
- (d) The election or appointment of an executive officer and other employees required to service the immediate needs of the district.
- (e) The election or appointment of employees for the ensuing school year.

- (f) The calling and conducting of any elections authorized by law relative to the financing of the district, including bonded indebtedness, tax rates, and State School Building Fund.
- (g) The expenditure of funds available to the district.
- (h) The exercise by the governing board of the school district of other powers and duties vested in governing boards of the districts of the same type of class and not inconsistent with other provisions of this code.
- (i) The receipt and expenditure of funds transferred pursuant to Section 42623.
- (j) The issuing and selling of bonds. (*Added by Stats.1980, c. 1192, p. 4005, § 2.*)

§ 35533. Interim between completion and effective date for action; powers and duties of wholly absorbed district

Any district which is reorganized so as to be wholly absorbed into one or more other districts shall, after the date the action is complete and until the action is effective for all purposes, continue to have all of the powers and duties vested in governing boards of the same kind and not inconsistent with other provisions of this code. (*Added by Stats.1980, c. 1192, p. 4006, § 2.*)

§ 35534. Effective date for action

Except as provided in Sections 35535 and 35536 and subject to compliance with Section 5400 of the Government Code, any action to reorganize a school district shall be effective for all purposes on July 1 of the calendar year following the calendar year in which such action is completed. (*Added by Stats.1980, c. 1192, p. 4006, § 2.*)

§ 35535. Order attaching territory of a lapsed district to adjoining district

An order of a county board of education attaching the territory of a lapsed district to one or more adjoining districts shall be effective for all purposes on the date of the order. (*Added by Stats.1980, c. 1192, p. 4006, § 2.*)

§ 35536. Option to purchase land; issuance of school district bonds; time after which board may act

At any time after the appointment or election of the governing board of a school district and the naming of the school district, the board may secure an option to purchase land for school purposes for which school district bonds may be issued. The board may proceed, thereafter, in accordance with the provisions of this code, governing the issuance of school district bonds, with the same effect as though control of the property of the district had already been vested in the board. (*Added by Stats.1980, c. 1192, p. 4006, § 2.*)

§ 35537. Transfer of territory during reorganization; uninhabited land

Notwithstanding Section 35534, where a petition for reorganization and change of boundaries of one or more school districts involves a transfer of territory and the territory is uninhabited land and all districts involved consent to the transfer of territory, the effective date of the reorganization relating to the formation of a community facilities district and all matters relating to the authorization of a special tax pursuant to Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code, as well as bonds and the sale thereof, shall be the date agreed upon by the respective school districts, which, in any event, shall be no earlier than the date of the last resolution approved by a school district governing board pursuant to paragraph (1) of subdivision (b) of Section 35709. (*Added by Stats.1992, c. 968 (S.B.243), § 1.*)

§ 35540. Boundaries of high school district

The boundaries of each high school district shall be coextensive with the boundaries of the component districts included within it. (*Added by Stats.1980, c. 1192, p. 4006, § 2.*)

§ 35541. Change in boundaries of component of high school district; effect on high school district

When the boundaries of a district which is a component of a high school district are for any cause changed to include territory in, or to exclude from, the district, the territory added to, or removed from, the district shall, at the same time, be included in, or excluded from, the high school district. (*Added by Stats.1980, c. 1192, p. 4006, § 2.*)

§ 35542. Merger of coterminous elementary and high school district into unified district

- (a) Whenever the boundaries of an elementary school district and a high school district become coterminous, the districts are merged into a new unified district.
- (b) Notwithstanding subdivision (a), an elementary school district that has boundaries that are totally within a high school district may be excluded from an action to unify those districts if the governing board receives approval for an exclusion from the State Board of Education. Any elementary school district authorized by the State Board of Education to be excluded from an action to unify, may continue to feed into the coterminous high school under the same terms that existed before any action to unify pursuant to subdivision (a). (*Added by Stats.1980, c. 1192, p. 4007, § 2.*) (*Amended by Stats.1994, c. 1186 (S.B.1537), § 5.*)

§ 35543. Exclusion from newly formed or reorganized school districts of certain separated territory

On or after January 1, 1981, a school district shall not be formed or reorganized to include territory which is separated from other portions of the territory of the district by the territory of one or more other school districts. (*Added by Stats.1980, c. 1192, p. 4007, § 2.*)

§ 35544. Transfer or addition of territory to another district in which trustee areas have been established

Whenever territory is transferred or added by means of reorganization to another district in which trustee areas have been established, the territory being transferred shall become a part of the trustee areas to which it is contiguous. In the event that the territory being transferred is contiguous to more than one trustee area, terms of agreement to the transfer may include provisions for the division of the transferred territory among the trustee areas to which it is contiguous. (*Added by Stats.1980, c. 1192, p. 4007, § 2.*)

§ 35545. Territory included in plans and recommendations for further reorganization; removal of territory

- (a) Prior to the date upon which a newly organized or reorganized district becomes effective for all purposes, the county committee may include all, or part of, the territory in plans and recommendations for further reorganization.
- (b) During the first five years after the effective date for all purposes of the formation of a school district, no territory shall be removed from the district without the consent of the governing board of the district.

(*Added by Stats.1980, c. 1192, p. 4007, § 2.*)

§ 35555. Certificated employees

The reorganization of any school district or districts shall not affect the classification of certificated employees already employed by any school district affected. Such employees shall have the same status with respect to their classification by the district, including time served as probationary employees of the district, after the reorganization as they had prior to it. If such reorganization results in the school or other place in which any such employee is employed being maintained by another district, any such employee, if a permanent employee of the district which formerly maintained such school or other place of employment, shall be employed as a permanent employee of the district which thereafter maintains the

school or other place of employment, unless such employee elects prior to February 1 of the year in which the action will become effective for all purposes to continue in the employ of the first district.

If such employee is a probationary employee of the district which formerly maintained such school or other place of employment, he or she shall be employed by the district which thereafter maintains the school or other place of employment, unless such probationary employee is terminated by such district pursuant to Section 44948, 44949, or 44955, and, if not so terminated, his or her status with respect to classification by such district shall be the same as it would have been had the school or other place of employment continued to be maintained by the district which formerly maintained it. As used in this paragraph, "the school or other place in which any such employee is employed" and all references thereto, includes, but is not limited to, the school services or school program which, as a result of any reorganization of a school district, will be provided by another district, regardless of whether any particular building or buildings in which such schoolwork or school program was conducted is physically located in the new district and regardless of whether any new district resulting from such reorganization elects to provide for the education of its pupils by contracting with another school district until such time as the new district constructs its own facilities. (*Added by Stats.1980, c. 1192, p. 4007, § 2.*)

§ 35556. Persons employed in positions not requiring certification qualifications

- (a) The reorganization of any school district, or districts, shall not affect the rights of persons employed in positions not requiring certification qualifications to retain the salary, leaves, and other benefits which they would have had if the reorganization had not occurred. These persons shall be treated in the manner provided in this section.
- (b) All employees of every school district that is included in any other district, or all districts included in a new district, shall become employees of the new district.
- (c)(1) When a portion of the territory of any district becomes part of another district, employees regularly assigned to perform their duties in the territory affected shall become employees of the acquiring district unless, in a manner consistent with relevant provisions of this code and with any applicable collective bargaining agreement, one of the following occurs:
 - (A) An employee elects to accept a vacant position, for which he or she qualifies, that the first district elects to fill.
 - (B) An employee elects to fill, by exercise of his or her rights of seniority under existing law or the collective bargaining agreement with the first district, a position, for which he or she qualifies, in the first district.
 - (C) An employee elects to have his or her name entered on a reemployment list of the first district.
- (2) Employees whose assignments pertained to the affected territory, but whose employment situs was not in that territory, may elect to remain with the original district or become employees of the acquiring district.
- (d) When the territory of any district is divided between, or among, two or more districts and the original district ceases to exist, employees of the original district regularly assigned to perform their duties in any specific territory of the district shall become employees of the district acquiring the territory. Employees not assigned to specific territory within the original district shall become employees of any acquiring district at the election of the employees.
- (e) An employee regularly assigned by the original district to any school in the district shall be an employee of the district in which the school is located unless that employee elects to continue in the employ of the first district pursuant to subdivision (c).
- (f) Except as otherwise provided in this section, nothing in this section shall be construed to deprive the governing board of the acquiring district from making reasonable reassignments of duties.
- (g) The amendments to this section made during the 1999-2000 Regular Session of the Legislature shall apply only to school district reorganizations commenced on or after January 1, 2000.
(*Added by Stats.1980, c. 1192, p. 4008, § 2.*) (*Amended by Stats.1999, c. 205 (S.B.830), § 1.*)

§§ 35557 to 35559. Repealed by Stats.1980, c. 1192, p. 4003, § 1 [West's Ann. Cal. Educ. Code § 35557 (West LawDesk CD-ROM through Ch. 3of 2003-04 Reg.Sess. urgency legislation, Ch. 4of 1st Ex.Sess. urgency legislation, & Ch. 1of 2nd Ex.Sess.)]

Historical And Statutory Notes

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Section 35557, enacted by Stats.1976, c. 1010, § 2, relating to the election and ballot for transfer of component districts, was derived from Educ.C.1959, § 2198, added by Stats.1963, c. 629, p. 1586, § 4, amended by Stats.1970, c. 102, p. 147, § 75; Educ.C.1959, §§ 2403, 2406, enacted by Stats.1959, c. 2, pp. 711, 712, §§ 2403, 2406, amended by Stats.1959, c. 1245, p. 3321, § 3; Educ.C.1943, §§ 3853, 3856 (Stats.1943, c. 71, p. 389); Pol.C. § 1734c, added by Stats.1923, c. 122, p. 265, § 1, amended by Stats.1927, c. 408, p. 669, § 1; School C. §§ 2.482, 2.485.

Section 35558, enacted by Stats.1976, c. 1010, § 2, providing for the transfer of parts of elementary districts when parts were in more than one component district, was derived from Educ.C.1959, § 2391, added by Stats.1963, c. 629, p. 1590, § 4, amended by Stats.1970, c. 102, p. 148, § 81.

Section 35559, enacted by Stats.1976, c. 1010, § 2, relating to initiation of action to transfer part of a component district, was derived from Educ.C.1959, § 2392, added by Stats.1963, c. 629, p. 1590, § 4, amended by Stats.1970, c. 102, p. 148, § 82.

§ 35560. Allocation of funds, property, and obligations of former district

When a school district is reorganized and when the allocation of funds, property, and obligations is not fixed by terms, conditions, or recommendations as provided by law, the funds, property, and obligations of a former district, except for bonded indebtedness, shall be allocated as follows:

- (a) The real property and personal property and fixtures normally situated thereat shall be the property of the district in which the real property is located.
- (b) All other property, funds, and obligations, except bonded indebtedness, shall be divided pro rata among the districts in which the territory of the former district is included. The basis for the division and allocation shall be the assessed valuation of the part of the former district which is included within each of the districts. (*Added by Stats.1980, c. 1192, p. 4009, § 2.*)

§ 35561. Funds derived from sale of school bonds issued by former district

Any funds derived from the sale of the school bonds issued by the former district shall be used for the acquisition, construction, or improvement of school property only in the territory which comprised the former district or to discharge bonded indebtedness of the former district, except that if the bonded indebtedness is assumed by the new district, the funds may be used in any area of the new district for the purposes for which the bonds were originally voted. (*Added by Stats.1980, c. 1192, p. 4009, § 2.*)

§ 35562. Records of the original district

If all the territory of any school district becomes part of two or more districts of any type, and the inclusion in the two or more new school districts of the several portions of territory comprising the whole of the original district is effective for all purposes on the same date, the records of the original district shall be disposed of as follows:

- (a) All records of the original district which are required by law to be kept on file shall be deposited with the governing board of the district which, after the reorganization has become effective for all purposes, has located within its boundaries the former office of the superintendent of the original district.
- (b) Records of employees shall be transferred to the district thereafter employing the personnel or thereafter maintaining the last place of employment.

- (c) Records of pupils shall be transferred to the district which, after the date on which the reorganization becomes effective for all purposes, maintains the school in which a pupil was last enrolled. (*Added by Stats.1980, c. 1192, p. 4009, § 2.*)

§ 35563. Responsibilities of county superintendent of schools having jurisdiction over the original district; aid of employees

- (a) If all of the territory of any school district becomes part of two or more school districts of any type, and the inclusion in the two or more new school districts of the several portions of territory comprising the original district is effective for all purposes on the same date, the county superintendent of schools having jurisdiction over the original district shall assume responsibility for all of the following:
 - (1) Completing all records and reports of the original district.
 - (2) Paying all outstanding obligations, except obligations resulting from contracts which are to be assumed by a succeeding district.
 - (3) Preparing for proper filing all records of the district required to be kept permanently by the provisions of any applicable code.
 - (4) Distributing records as provided in Section 35562.
 - (5) Employing an auditor as required in Section 41020.
 - (6) Discharging such other functions as he or she shall deem necessary to the dissolution of the district.
- (b) In discharging these duties, the county superintendent may request the services of employees of the original or succeeding district, and the succeeding districts shall release such employees to the county superintendent for the purpose of accomplishing the requirements of this section. The salaries of such employees and all other necessary expenses of completing the requirements of this section shall be charged against the accumulated funds of the dissolved district prior to the final distribution of such funds to the succeeding districts. (*Added by Stats.1980, c. 1192, p. 4009, § 2.*)

§ 35564. Property, funds, and obligations of student body

If the reorganization of a school district under this chapter results in the relocation of district boundaries so that a portion of the pupils will not be residents of the district thereafter maintaining a school previously attended by the pupils, and if there is in the school an organized student body, the property, funds, and obligations of the student body shall be divided as determined by the county committee, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the school bears to the total number of pupils enrolled. The ownership of the property, funds, and obligations, which is the proportionate share of each segment of the student body, shall be transferred to the student body of the school or schools in which the pupils are enrolled after the reorganization. Funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided. (*Added by Stats.1980, c. 1192, p. 4010, § 2.*)

§ 35565. Disputes between districts; arbitration

If a dispute arises between the governing boards of the districts concerning the division of funds, property, or obligations, a board of arbitrators shall be appointed which shall resolve the dispute. The board shall consist of one person selected by each district from which territory is withdrawn pursuant to a reorganization action under this chapter, one person selected by each district of which territory has become a part pursuant to that reorganization action, and either one or two persons, such that the board of arbitrators contains an odd number of persons, appointed by the county superintendent of schools of the county in which the districts are located. The districts involved may mutually agree that a person appointed as arbitrator by the county superintendent of schools may act as sole arbitrator of the matters to be submitted to arbitration. The necessary expenses and compensation of the arbitrators shall be divided equally between the districts, and the payment of the portion of the expenses is a legal charge against the

funds of the school districts. The arbitrator or arbitrators shall make a written finding on the matter submitted to arbitration. The written finding and determination of a majority of the board of arbitrators is final and binding upon the school districts submitting the question to the board of arbitration.

(Added by Stats.1980, c. 1192, p. 4010, § 2. Amended by Stats.1991, c. 409 (S.B.313), § 2.)

§ 35566. Exchanges of property tax revenues between school districts

Notwithstanding any provisions of this article, exchanges of property tax revenues between school districts as a result of reorganization shall be determined pursuant to subdivision (h) of Section 99 of the Revenue and Taxation Code. *(Added by Stats.1980, c. 1192, p. 4011, § 2.)*

§ 35570. Application of article

The provisions of this article shall apply only to the reallocation of bonded indebtedness of a school district on general obligation bonds under one of the following conditions:

- (a) The bonded indebtedness was approved by the voters prior to July 1, 1978.
- (b) The bonded indebtedness was incurred for the acquisition or improvement of real property and was approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(Added by Stats.1980, c. 1192, p. 4011, § 2. Amended by Stats.1990, c. 208 (S.B.2737), § 1, eff. July 10, 1990.)

§ 35571. Liability to taxation for outstanding bonded indebtedness; tax levy

When a school district is created, annexed, or abolished, or the boundaries thereof changed, the liability to taxation for the outstanding bonded indebtedness of the district or the territory affected thereby is as provided in this article. The authorities whose duty it is to levy taxes for the payment of principal and interest on the outstanding bonds shall levy the taxes upon the districts affected in such proportions as are provided in, or are determined under, the authority of this article. *(Added by Stats.1980, c. 1192, p. 4011, § 2.)*

§ 35572. Taking territory from school district with outstanding bonded indebtedness

No territory shall be taken from any school district having any outstanding bonded indebtedness and made a part of another district where the action, if taken, would so reduce the last equalized assessed valuation of a district from which the territory was taken that the outstanding bonded indebtedness of the district would exceed 5 percent of the assessed valuation remaining in the district for each level maintained, on the date the reorganization is effective pursuant to Section 35766. *(Added by Stats.1980, c. 1192, p. 4011, § 2.)*

§ 35573. Merger of districts

When any school district is in any manner merged with one or more school districts so as to form a single district by any procedure, the district so formed is liable for all of the outstanding bonded indebtedness of the districts united or merged. *(Added by Stats.1980, c. 1192, p. 4011, § 2.)*

§ 35574. Liability of acquiring district for purposes of computing bonding capacity

Notwithstanding any other provision of this code, for the purposes of applying the State School Building Aid Law of 1952, Chapter 8 (commencing with Section 16000) of Part 10, the amount of outstanding bonded indebtedness, exclusive of interest, of the divided districts which is equal to the liability incurred by the acquiring district pursuant to Section 35576 shall be considered a liability of the acquiring district for purposes of computing bonding capacity of the district. *(Added by Stats.1980, c. 1192, p. 4011, § 2.)*

§ 35575. Annexed territory containing no public school property or buildings

When territory is taken from one school district and annexed to another school district and the area transferred contains no public school property or buildings, the territory shall drop any liability for outstanding bonded indebtedness in the district of which it was formerly a part and shall automatically

assume its proportionate share of the outstanding bonded indebtedness of the district of which it becomes a part. (*Added by Stats.1980, c. 1192, p. 4011, § 2.*)

§ 35576. Annexed territory containing public school buildings or property; payment by acquiring district; tax rates

- (a) When territory is taken from one district and annexed to, or included in, another district or a new district by any procedure and the area transferred contains public school buildings or property, the district to which the territory is annexed shall take possession of the building and equipment on the day when the annexation becomes effective for all purposes. The territory transferred shall cease to be liable for the bonded indebtedness of the district of which it was formerly a part and shall automatically assume its proportionate share of the outstanding bonded indebtedness of any district of which it becomes a part.
- (b) The acquiring district shall pay the original district the greatest of the amounts determined under provisions of paragraphs (1) or (2) or the amount determined pursuant to a method prescribed under Section 35738.
 - (1) The proportionate share of the outstanding bonded indebtedness of the original district, which proportionate share shall be in the ratio which the total assessed valuation of the transferring territory bears to the total assessed valuation of the original district in the year immediately preceding the date on which the annexation is effective for all purposes. This ratio shall be used each year until the bonded indebtedness for which the acquiring district is liable has been repaid.
 - (2) That portion of the outstanding bonded indebtedness of the original district which was incurred for the acquisition or improvement of school lots or buildings, or fixtures located therein, and situated in the territory transferred.
- (c) The county board of supervisors shall compute for the reorganized district an annual tax rate for bond interest and redemption which will include the bond interest and redemption on the outstanding bonded indebtedness specified in paragraph (1) or (2) of subdivision (b) or the amount determined pursuant to a method prescribed under Section 35738. The county board of supervisors shall also compute tax rates for the annual charge and use charge prescribed by former Sections 1822.2 and 1825 as they read on July 1, 1970 when such charges were established prior to November 23, 1970. All such tax rates shall be levied in excess of any other ad valorem property tax authorized or required by law and shall not be included in the computation of the limitation specified in subdivision (a) of Section 1 of Article XIII A of the California Constitution. (*Added by Stats.1980, c. 1192, p. 4011, § 2.*)

§ 35577. Division of school district having authorized but unsold bonds

Whenever an existing school district having authorized but unsold bonds is completely divided between two or more districts so that the existing district ceases to exist, pursuant to any provision of this chapter, the board of supervisors shall, prior to the date the action is effective for the purposes of Section 35534, make and enter an order in the minutes of its proceedings that the authorization to issue the unsold bonds be divided between the districts in the ratio which the assessed valuation of the territory transferred to the districts bears to the total assessed valuation of the former district. The bonds, if issued by any new district, shall be considered a liability of the new district for purposes of computing the bonding capacity of the new district when applying the State School Building Aid Law of 1952, Chapter 8 (commencing with Section 16000) of Part 10. (*Added by Stats.1980, c. 1192, p. 4012, § 2. Amended by Stats.1982, c. 466, p. 2013, § 26.*)

§ 35578. Unsold bonds of an elementary, high, or unified school district wholly included in a new school district; issuance; proceeds

Any unsold bonds of an elementary, high, or unified school district which is included as a whole in a new school district through any kind of reorganization may be issued by the board of supervisors in the name of the new district and the proceeds derived upon the sale thereof shall be the funds of the new district.

However, the proceeds derived upon the sale thereof shall be expended only for the purpose, or purposes, for which such bonds were authorized. (*Added by Stats.1980, c. 1192, p. 4013, § 2.*)

§ 35579. Unsold bonds of an elementary, high, or unified school district wholly included in a new school district; liability of new district for purposes of computing bonding capacity

Any unsold bonds of an elementary, high, or unified school district which is included as a whole in a new school district through any kind of reorganization, if issued by the board of supervisors in the names of the old districts, shall be considered a liability of the new district for purposes of computing the bonding capacity of the new district when applying the State School Building Aid Law of 1952, Chapter 8 (commencing with Section 16000) of Part 10. (*Added by Stats.1980, c. 1192, p. 4013, § 2.*)

§ 35700. Initiation of action; signatures on petition

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.

(*Added by Stats.1980, c. 1192, p. 4013, § 3. Amended by Stats.1987, c. 917, § 9.*)

(*Amended by Stats.1995, c. 267 (A.B.107), § 2.*)

§ 35700.1. County superintendent; authority for specified activities; use of funds

- (a) A county superintendent of schools may do any of the following, as necessary, with respect to the reorganization of school districts within the jurisdiction of a county superintendent of schools:
 - (1) Prior to the initiation of an action to reorganize, a county superintendent of schools may do any of the following:
 - (A) Provide information, coordination, and guidance to potential petitioners for reorganization and to other parties inquiring about the petition process.
 - (B) Provide procedural advice and counseling.
 - (C) Provide information and assistance for community meetings, information sessions, and briefing sessions.
 - (D) Provide for coordination of media and community relations.
 - (2) A county superintendent of schools may perform the following duties for the processing and evaluation of multiple petitions to reorganize one or more school districts:
 - (A) Ensure compliance with all requirements pertaining to the petitions.
 - (B) Ensure compliance with all required timelines or deadlines for petitions.
 - (C) Apply new and preexisting evaluation criteria to the petition.
 - (3) A county superintendent of schools may provide assistance to newly reorganized school districts during the interim period, as follows:
 - (A) To ensure smooth transitions with minimum disruption to pupils and staff.
 - (B) To provide advisory and consulting expertise on any of the following:

- (i) Board and administrative policies and regulations.
 - (ii) Personnel policies.
 - (iii) Curriculum.
 - (iv) Instructional programs and services.
 - (v) Financial and budgeting functions.
 - (vi) Distribution of assets and liabilities.
- (b) No funds allocated to the Los Angeles County Office of Education pursuant to the Budget Act shall be used to instigate, solicit, or promote the development of plans to reorganize a school district or school districts within the jurisdiction of the county office of education; provided, however, that the funds may be used to support the research necessary to review and make recommendations regarding reorganization plans that are submitted to the county office of education. *(Added by Stats.1996, c. 296 (A.B.3317), § 1.)*

§ 35700.3. Petition description of territory to be reorganized

A petition filed under Section 35700 shall be required to reasonably identify the territory to be reorganized, which identification may include references to streets or prominent geographic features. The inclusion of legal descriptions or plat maps, or both, however, shall not be a prerequisite for the filing of a valid petition. *(Added by Stats.1998, c. 906 (A.B.2328), § 1.)*

§ 35700.5. Notice to local agency formation commission

Before initiating proceedings to consider any reorganization plan, the county committee on school district organization shall provide written notice of the proposed action to the local agency formation commission for the affected area. *(Added by Stats.2000, c. 761 (A.B.2838), § 1.)*

§ 35701. Designation of chief petitioners to receive notice

In any petition to reorganize school districts there shall be designated no more than three of the petitioners as chief petitioners for the purpose of receiving notice of any public hearings to be held on the petition. *(Added by Stats.1980, c. 1192, p. 4013, § 3.)*

§ 35702. Affidavit

The persons securing the signatures to a petition of electors to reorganize school districts shall attach thereto an affidavit that all persons who signed the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be. *(Added by Stats.1980, c. 1192, p. 4013, § 3.)*

§ 35703. Provisions of petition

Any petition filed under this article may include any of the appropriate provisions specified in Article 3 (commencing with Section 35730). *(Added by Stats.1980, c. 1192, p. 4013, § 3.)*

§ 35704. Examination of petition; transmittal

The county superintendent of schools, within 30 days after any petition for reorganization is filed, shall examine the petition and, if he or she finds it to be sufficient and signed as required by law, transmit the petition simultaneously to the county committee and to the State Board of Education. *(Added by Stats.1980, c. 1192, p. 4013, § 3.) (Amended by Stats.1994, c. 1186 (S.B.1537), § 6; Stats.2000, c. 1058 (A.B.2907), § 18.)*

§ 35705. Public hearings; notice

Within 60 days after receipt of the petition, the county committee shall hold one or more public hearings thereon at a regular or special meeting in each of the districts affected by the petition. Notice of the public hearing shall be given at least 10 days in advance thereof to not more than three persons designated in the petition as the chief petitioners, to the governing board of all districts affected by the proposed

reorganization, and to all other persons requesting notice of the hearing. (*Added by Stats.1980, c. 1192, p. 4014, § 3.*)

§ 35705.5. Additions and amendments to petition; availability of description of the petition

- (a) The county committee may add to the petition any of the appropriate provisions specified in Article 3 (commencing with Section 35730) which were not included in the petition as filed and may amend any such provision which was so included.
- (b) At least 10 days before the public hearing, or hearings, on the petition, the county committee shall make available to the public and to the governing boards affected by the petition a description of the petition, including all of the following:
 - (1) The rights of the employees in the affected districts to continued employment.
 - (2) The revenue limit per unit of average daily attendance for each affected district and the effect of the petition, if approved, on such revenue limit.
 - (3) Whether the districts involved will be governed, in part, by provisions of a city charter and, if so, in what way.
 - (4) Whether the governing boards of any proposed new district will have five or seven members.
 - (5) A description of the territory or districts in which the election, if any, will be held.
 - (6) Where the proposal is to create two or more districts, whether the proposal will be voted on as a single proposition.
 - (7) Whether the governing board of any new district will have trustee areas and, if so, whether the trustees will be elected by only the voters of that trustee area or by the voters of the entire district.
 - (8) A description of how the property, obligations, and bonded indebtedness of existing districts will be divided.
 - (9) A description of when the first governing board of any new district will be elected and how the terms of office for each new trustee will be determined.

(*Added by Stats.1980, c. 1192, p. 4014, § 3.*)

§ 35706. Recommendations by county committee

Within 120 days of the commencement of the first public hearing on the petition, the county committee shall recommend approval or disapproval of a petition for unification of school districts or for the division of the territory of an existing school district into two or more separate school districts, as the petition may be augmented, or shall approve or disapprove a petition for the transfer of territory, as the petition may be augmented. (*Added by Stats.1980, c. 1192, p. 4014, § 3. Amended by Stats.1990, c. 1658 (S.B.1927), § 1.*)

§ 35706.5. Actions to reorganize school district boundaries; conditions

- (a) No action to reorganize the boundaries of a school district shall be initiated or completed without the consent of a majority of all of the members of the governing board of the school district if both of the following conditions apply to the school district:
 - (1) It has obtained an emergency apportionment loan from the State of California, but the Superintendent of Public Instruction has determined that a state administrator is no longer necessary, and has restored, prior to the effective date of this section, the legal rights, duties, and powers of the governing board of the district pursuant to Section 41326.
 - (2) It has a student population 70 percent of which is from either a "lower income household" or "very low income household" as those terms are defined in Sections 50079.5 and 50105, respectively, of the Health and Safety Code.
- (b) For purposes of this section, for any school district that meets the description specified in paragraph (1), consent to an action to reorganize the boundaries of the school district shall no longer be required when 10 years have elapsed from the date of final payment by the school district of the emergency loan to the State of California. (*Added by Stats.2000, c. 599 (S.B.977), § 1.*)

§ 35707. Transmittal of petition and recommendations to state board of education; report

(a) Except for petitions for the transfer of territory, the county committee shall expeditiously transmit the petition to the State Board of Education together with its recommendations thereon. It shall also report whether any of the following, in the opinion of the committee, would be true regarding the proposed reorganization as described in the petition:

- (1) It would adversely affect the school district organization of the county.
- (2) It would comply with the provisions of Section 35753.

(b) Petitions for transfers of territory shall be transmitted pursuant to Section 35704.

(Added by Stats.1980, c. 1192, p. 4014, § 3. Amended by Stats.1990, c. 1658 (S.B.1927), § 2.)
(Amended by Stats.1994, c. 1186 (S.B.1537), § 7; Stats.2000, c. 1058 (A.B.2907), § 19.)

§ 35708. Hearing by state board of education

The petition transmitted pursuant to Section 35707, including the plans and recommendations included therein, if any, together with the recommended approval or disapproval and the plans and recommendations, if any, of the county committee shall be heard by the State Board of Education as provided in Article 4 (commencing with Section 35750). *(Added by Stats.1980, c. 1192, p. 4015, § 3.)*

§ 35709. Order; notification

If the following conditions are met, the county committee may approve the petition and order that the petition be granted, and shall so notify the county board of supervisors:

(a) The county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 35753 are substantially met, and:

(b) Either:

- (1) The petition is to transfer uninhabited territory from one district to another and the owner of the territory, or a majority of the owners of the territory, and the governing boards of all school districts involved in the transfer consent to the transfer; or
- (2) The petition is to transfer inhabited territory of less than 10 percent of the assessed valuation of the district from which the territory is being transferred, and all of the governing boards have consented to the transfer.

(Added by Stats.1980, c. 1192, p. 4015, § 3. Amended by Stats.1990, c. 1658 (S.B.1927), § 3.)

§ 35710. Notification of approval; election; conditions

For all other petitions to transfer territory, if the county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 35753 are substantially met, the county committee may approve the petition and, if approved, shall so notify the county superintendent of schools who shall call an election in the territory of the districts as determined by the county committee and in the manner described in Part 4 (commencing with Section 5000) to be conducted at the next regular election.

(Added by Stats.1980, c. 1192, p. 4015, § 3. Amended by Stats.1990, c. 1658 (S.B.1927), § 4.)

§ 35710.5. Appeal to state board of education; actions approving or disapproving petitions; filing of appeal notice; determination

(a) An action by the county committee approving or disapproving a petition pursuant to Section 35709 or 35710 may be appealed to the State Board of Education by the chief petitioners or one or more affected school districts. The appeal shall be limited to issues of noncompliance with the provisions of Section 35705, 35706, 35709, or 35710. If an appeal is made as to the issue of whether the proposed transfer will adversely affect the racial or ethnic integration of the schools of the districts affected, it shall be made pursuant to Section 35711.

(b) Within five days after the final action of the county committee, the appellant shall file with the county committee a notice of appeal and shall provide a copy to the county superintendent of schools, except that if the appellant is one of the affected school districts it shall have 30 days to file the notice of appeal with the county committee and provide a copy to the county superintendent. Upon the filing of the notice of appeal, the action of the county committee shall be stayed, pending the outcome of

the appeal. Within 15 days after the filing of the notice of appeal, the appellant shall file with the county committee a statement of reasons and factual evidence. The county committee shall then, within 15 days of receipt of the statement, send to the State Board of Education the statement and the complete administrative record of the county committee proceedings, including minutes of the oral proceedings.

- (c) Upon receipt of the appeal, the State Board of Education may elect either to review the appeal, or to ratify the county committee's decision by summarily denying review of the appeal. The board may review the appeal either solely on the administrative record or in conjunction with a public hearing. Following the review, the board shall affirm or reverse the action of the county committee, and if the petition will be sent to election, shall determine the territory in which the election is to be held. The board may reverse or modify the action of the county committee in any manner consistent with law.
- (d) The decision of the board shall be sent to the county committee which shall then notify the county board of supervisors or the county superintendent of schools pursuant to Section 35709 or 35710, as appropriate. (*Added by Stats.1990, c. 1658 (S.B.1927), § 5.*)

§ 35710.51. Order of election; elapse of time for appeal

The county superintendent of schools, within 35 days after receiving the notification provided by Section 35710, shall call an election, in the manner prescribed in Part 4 (commencing with Section 5000), to be conducted at the next available regular election, in the territory of districts as determined by the county committee on school district organization, or, in the case of territory transfers appealed to the State Board of Education pursuant to Section 35710.5(c), as determined by the State Board of Education. The county superintendent shall not issue an order of election until after the time for an appeal pursuant to subdivision (b) of Section 35710.5 has elapsed. (*Added by Stats.1990, c. 1658 (S.B.1927), § 6.*)

§ 35711. Appeal to state board of education

Any person questioning the finding of the county committee pursuant to Section 35709 or 35710 that the proposed transfer of territory will not adversely affect the racial or ethnic integration of the schools of the districts affected, may appeal a decision made upon such a finding. The appeal shall be made to the State Board of Education within 30 days. The appeal shall be based upon factual and statistical evidence.

If the State Board of Education denies the appeal, the decision of the county committee shall stand. If the State Board of Education approves the appeal, it shall review the findings of the county committee at a regular meeting of the board.

The State Board of Education shall notify the county committee on its decision on the appeal. If the State Board of Education approves the appeal, the county committee shall transmit a copy of the proceedings to the State Board of Education within 30 days after receipt of notice. The State Board of Education shall review the transcript, considering all factors involved. The State Board of Education may reverse, or may affirm, the decision of the county committee, or if it appears that inadequate consideration was given to the effect of the transfer on integration of the schools of the districts affected, it shall direct the county committee to reconsider its decision and for this purpose to hold another hearing. (*Added by Stats.1980, c. 1192, p. 4015, § 3.*)

§ 35712. Rules and regulations; adoption

The State Board of Education may adopt rules and regulations for the implementation of this article, as it deems necessary. (*Added by Stats.1990, c. 1658 (S.B.1927), § 7.*)

§ 35720. Formulation of plans and recommendations

Each county committee on school district organization shall, under the direction of the State Board of Education, formulate plans and recommendations for the organization of the districts in the county or any portion thereof including, if appropriate, a portion of one or more adjacent counties. (*Added by Stats.1980, c. 1192, p. 4016, § 3.*)

§ 35720.5. Adoption of tentative recommendation; public hearings; notice

- (a) The county committee shall adopt a tentative recommendation following which action it shall hold one or more public hearings in the area proposed for reorganization at least 30 days prior to submission of a final recommendation for unification or other reorganization to the State Board of Education.
- (b) The public hearing required by this section shall be called when both of the following conditions are met :
 - (1) Notice is sent to the governing board of each school district involved at least 10 days before the hearing.
 - (2) Notice of the hearing is either published in a newspaper of general circulation or posted in every schoolhouse and at least three public places in the affected territory, district, or districts.
- (c) The notice shall contain information as to the time, place, and purpose of the hearing.

(Added by Stats.1980, c. 1192, p. 4016, § 3.)

(Amended by Stats.2000, c. 1058 (A.B.2907), § 20.)

§ 35721. Public hearing following receipt of petition; grant or denial of petition

- (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) On receipt of a resolution approved by a majority of the members of a city council, county board of supervisors, governing body of a special district, or local agency formation commission that has jurisdiction over all or a portion of the school district for consideration of unification or other reorganization of any area, the county committee shall hold a public hearing on the proposal at a regular or special meeting.
- (d) Following the hearing conducted pursuant to subdivision (a), (b), or (c), 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.

(Added by Stats.1980, c. 1192, p. 4016, § 3.)

(Amended by Stats.1995, c. 267 (A.B.107), § 3; Stats.2000, c. 761 (A.B.2838),§ 1.5.)

§ 35721.5. Notice to local agency formation commission

Before initiating proceedings to consider any reorganization plan, the county committee on school district organization shall provide written notice of the proposed action to the local agency formation commission for the affected area. *(Added by Stats.2000, c. 761 (A.B.2838), § 2.)*

§ 35722. Adoption of final recommendation; transmittal to state board of education for hearing; order

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. *(Added by Stats.1980, c. 1192, p. 4016, § 3.)*

(Amended by Stats.1994, c. 1186 (S.B.1537), § 8; Stats.1995, c. 267 (A.B.107),§ 4.)

§ 35723. Area of possible reorganization that includes territory under the jurisdiction of another county; notice

When a county committee selects an area for study for possible recommendation for reorganization which includes territory of one or more school districts under the jurisdiction of the county superintendent of schools of another county, the county committee shall so notify the members of the county committee of such other county. Thereafter, the members of the county committee of such other county shall be notified by mail of each public hearing or meeting of the county committee at which the proposed reorganization will be considered at least 10 days prior to the day of such hearing or meeting.

(Added by Stats.1980, c. 1192, p. 4017, § 3.)

§ 35724. Proposed changes in boundaries or status of school districts under jurisdiction of superintendent of adjacent county; concurrence of county committee of adjacent county

If plans and recommendations adopted by a county committee propose changes in the boundaries or status of school districts under the jurisdiction of the superintendent of any adjacent county, the county committee of each such adjacent county shall be requested in writing to concur in the plans and recommendations.

If the county committee of an adjacent county concurs in the plans and recommendations, the concurrence shall accompany the recommendations transmitted to the State Board of Education.

If the county committee of an adjacent county fails to respond to the request for concurrence within 90 days of the date of the request, such failure shall be deemed to be a concurrence in the plans and recommendations.

If a county committee of an adjacent county does not concur in the plans and recommendations, it shall so notify the other county committee in writing and accompany the notification with plans and recommendations for the reorganization of school districts of its county including territory that would be affected by the plans and recommendations of the other county committee. After 60 days from the notification of nonconcurrence, if the county committees are still unable to agree upon plans and recommendations for reorganization of the territory, the county committees, or any of them, may submit plans and recommendations to the State Board of Education, and the board may approve or reject the plans, or any of them, in the same manner as other plans and recommendations.

(Added by Stats.1980, c. 1192, p. 4017, § 3.)

§ 35730. Governing law; proposed new unified school district including a chartered city within its boundaries

The plans and recommendations, in connection with the proposed formation of a new unified school district to include within its boundaries a chartered city, may provide that the establishment and existence of the governing board of the district shall be governed by the charter of the city and not exclusively by general law. Upon adoption of plans and recommendations containing such provision, the establishment and existence of the governing board of the district shall thenceforth be governed exclusively by the city charter and the board shall be a city board of education of a chartered city. In the absence of such a recommendation, the proposed new unified district shall be governed by general law.

(Added by Stats.1980, c. 1192, p. 4017, § 3.)

§ 35730.1. Districts with more than 500,000 pupils in average daily attendance; conditions for reorganization

Any reorganization of a school district with more than 500,000 pupils in average daily attendance shall require that each new district created meets the following conditions:

- (a) Socioeconomic diversity.
- (b) Geographical compactness.
- (c) Equity of resource distribution.

- (d) Compliance with Crawford v. Board of Education, 17 Cal.3d 280, and the terms of the consent decree in Rodriguez v. Los Angeles Unified School District, Consent Decree No. C-611358.
 - (e) Preservation of the policies used by magnet schools, charter schools, site-based management initiatives, and the LEARN program as those policies already exist in practice or pursuant to law.
 - (f) Compliance with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).
 - (g) Compliance with the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971), as amended.
 - (h) The formation of the new school districts does not result in the diminution of minority protections.
 - (i) The maintenance of the conditions of all collective bargaining agreements until their expirations.
 - (j) Recognition of the existing retiree health, dental, and vision care benefits.
- (Added by Stats.1995, c. 412 (S.B.699), § 2.)*

§ 35731. Membership of governing board

In any proposal for unification, plans and recommendations may include a provision for a governing board of seven members. In the absence of such a provision, any proposed new district shall have a governing board of five members. *(Added by Stats.1980, c. 1192, p. 4018, § 3.)*

§ 35732. Territory in which election to reorganize will be held

Plans and recommendations may include a provision specifying the territory in which the election to reorganize the school districts will be held. In the absence of such a provision, the election shall be held only in the territory proposed for reorganization. *(Added by Stats.1980, c. 1192, p. 4018, § 3.)*

§ 35733. Division of territory into two or more separate school districts; voting

Whenever the recommendation is to divide the entire territory of an existing school district into two or more separate school districts, the recommendation may provide that the plans and recommendations be voted upon as a single proposition. *(Added by Stats.1980, c. 1192, p. 4018, § 3.)*

§ 35734. Trustee areas

The plans and recommendations may include a provision for trustee areas that provide for representation in accordance with population and geographic factors of the entire area of the district. Any provision of that kind shall also specify the boundaries of the proposed trustee areas and shall specify whether members of the governing board shall be elected by the registered voters of the entire school district or by only the registered voters of that particular trustee area. A proposal for trustee areas shall be considered as an inherent part of the proposal and not as a separate proposition.

In the absence of a provision for trustee areas, the proposed new district shall have a governing board elected by the registered voters of the entire district.

(Added by Stats.1980, c. 1192, p. 4018, § 3. Amended by Stats.1987, c. 1452, § 214.)

§ 35735. Computation of base revenue limit per unit of average daily attendance

- (a) Each proposal for the reorganization of school districts shall include a computation of the base revenue limit per unit of average daily attendance for the districts. That computation shall be an integral part of the proposal and shall not be considered separately from the proposal. The computation of the base revenue limit for the newly organized school districts shall be based on the current information available for each affected school district for the second principal apportionment period for the fiscal year two years prior to the fiscal year in which the reorganization is to become effective. The computation of any adjustments for employee salaries and benefits shall be based on information from the fiscal year two years prior to the fiscal year in which the reorganization is to become effective. For the purposes of this article "affected school district" means a school district affected by a reorganization because all or a portion of its average daily attendance is to be included in the newly organized school districts.

- (b) The county superintendent of schools shall compute the base revenue limit per unit of average daily attendance pursuant to Section 35735.1 for a school district involved in an action to reorganize and in an action to transfer territory.
- (c) The State Department of Education shall use information provided pursuant to subdivision (a) by the county superintendent of schools in each county that has a school district affected by an action to unify or by an appeal of a transfer of territory to compute the base revenue limit per unit of average daily attendance for a newly organized school district pursuant to Section 35735.1.
- (c) This section shall not apply to any reorganization proposal approved by the State Board of Education prior to January 1, 1995.
- (d) Any costs incurred by the county superintendent of schools in preparing reports pursuant to this section or Section 35735.1 or 35735.2 may be billed to the affected school districts on a proportionate basis. (*Added by Stats.1994, c. 1186 (S.B.1537), § 10.*)

§ 35735.1. Base revenue limit per unit of average daily attendance

- (a) The base revenue limit per unit of average daily attendance for newly organized school districts shall be equal to the total of the amount of blended revenue limit per unit of average daily attendance of the affected school districts computed pursuant to paragraph (1), the amount based on salaries and benefits of classified employees computed pursuant to paragraph (2), the amount based on salaries and benefits of certificated employees calculated pursuant to paragraph (3), and the amount of the inflation adjustment calculated pursuant to paragraph (4). The following computations shall be made to determine the base revenue limit per unit of average daily attendance for the newly organized school districts:
 - (1) Divide the average daily attendance computed pursuant to Section 42238.5 into the base revenue limit computed pursuant to Section 42238 for each affected district, and then perform the following computation to arrive at the blended revenue limit:
 - (A) For each school district affected by the reorganization, multiply the amount determined pursuant to paragraph (1) by the number of units of average daily attendance for that school district that the county superintendent of schools determines will be included in the proposed school district.
 - (B) Add the amounts calculated pursuant to subparagraph (A).
 - (2) For each affected school district in the newly organized school districts, the following computation shall be made to determine the amount to be included in the base revenue limit per unit of average daily attendance for the newly organized school districts that is based on the salaries and benefits of full-time equivalent classified employees:
 - (A) For each of those school districts, make the following computation to arrive at the highest average amount expended for salaries and benefits for classified full-time employees by the districts:
 - (i) Add the amount of all salaries and benefits for classified employees of the district, including both part-time and full-time employees.
 - (ii) Divide the amount computed in clause (i) by the total number of full-time equivalent classified employees in the district.
 - (B) Among those school districts that will make up 25 percent or more of the average daily attendance of the resulting newly organized school district, compare the amounts determined for each of those school districts pursuant to subparagraph (A) and identify the highest average amount expended for salaries and benefits for classified employees.
 - (C) For each of the school districts with salaries and benefits that are below the highest average amount identified in subparagraph (B) and that are included in whole or in part in the newly organized district, subtract the amount determined for the district pursuant to subparagraph (A) from the amount identified pursuant to subparagraph (B).
 - (D) For each of those school districts, multiply the amount determined for the district pursuant to subparagraph (C) by the number of full-time equivalent classified employees employed by

- the district, and then multiply by the percentage of the district's average daily attendance to be included in the new district.
- (E) Add the amounts computed for each school district pursuant to subparagraph (D).
- (3) For each affected school district in the newly organized school districts, the following computation shall be made to determine the amount to be included in the base revenue limit per unit of average daily attendance for the newly organized school districts that is based on the salaries and benefits of full-time equivalent certificated employees:
- (A) For each of those school districts, make the following computation to determine the highest average amount expended for salaries and benefits for certificated full-time employees:
- (i) Add the amount of all salaries and benefits for certificated employees, including both part-time and full-time employees.
- (ii) Divide the amount determined in clause (i) by the total number of full-time equivalent certificated employees in the district.
- (B) Among those school districts that will make up 25 percent or more of the average daily attendance of the resulting newly organized school district, compare the amounts determined for each school district pursuant to subparagraph (A) and identify the highest average amount expended for salaries and benefits for certificated employees.
- (C) For each of the school districts with salaries and benefits that are below the highest average amount identified in subparagraph (B) and that are included in whole or in part in the newly organized school district, subtract the amount determined for the district pursuant to subparagraph (A) from the amount identified pursuant to subparagraph (B).
- (D) For each of those school districts, multiply the amount determined for the district pursuant to subparagraph (C) by the number of full-time equivalent certificated employees of the school district, and then multiply by the percentage of the district's average daily attendance to be included in the new district.
- (E) Add the amount calculated for each school district identified pursuant to subparagraph (D).
- (4) The base revenue limit per unit of average daily attendance shall be adjusted for inflation as follows:
- (A) Add the amounts determined pursuant to subparagraph (B) of paragraph (1), subparagraph (E) of paragraph (2), and subparagraph (E) of paragraph (3), and divide that sum by the number of units of average daily attendance in the newly organized school districts. The amount determined pursuant to this subparagraph shall not exceed 110 percent of the blended revenue limit per unit of average daily attendance calculated pursuant to paragraph (1).
- (B)(i) Increase the amount determined pursuant to subparagraph (A) by the amount of the inflation adjustment calculated and used for apportionment purposes pursuant to Section 42238.1 for the fiscal year immediately preceding the year in which the reorganization becomes effective.
- (ii) With respect to a school district that unifies effective July 1, 1997, and that has an average daily attendance in the 1996-97 fiscal year of more than 1,500 units, increase the amount determined pursuant to subparagraph (A) by an amount calculated as follows:
- (I) For each component district of the newly unified district, multiply the amount of revenue limit equalization aid per unit of average daily attendance determined pursuant to Sections 42238.41, 42238.42, and 42238.43, or any other sections of law, for the 1996-97 fiscal year by the 1996-97 second principal apportionment units of average daily attendance determined pursuant to Section 42238.5 for that component district.
- (II) Add the results for all component districts, and divide this amount by the sum of the 1996-97 second principal apportionment units of average daily attendance determined pursuant to Section 42238.5 for all component districts.
- (C) Increase the amount determined pursuant to subparagraph (B) by the amount of the inflation adjustment calculated and used for apportionment purposes pursuant to Section 42238.1 for the fiscal year in which the reorganization becomes effective for all purposes.

- (D) Increase the amount determined pursuant to subparagraph (C) by any other adjustments to the base revenue limit per unit of average daily attendance that the newly organized school districts would have been eligible to receive had they been reorganized in the fiscal year two years prior to the year in which the reorganization becomes effective for all purposes.
- (b) The amount determined pursuant to subparagraph (D) of paragraph (4) of subdivision (a) shall be the base revenue limit per unit of average daily attendance for the newly organized school districts.
- (c) The base revenue limit per unit of average daily attendance for the newly organized school district shall not be greater than the amount set forth in the proposal for reorganization that is approved by the State Board of Education. The Superintendent of Public Instruction may make adjustments to base revenue limit apportionments to a newly organized school district, if necessary to cause those apportionments to be consistent with this section.
- (d) If the territorial jurisdiction of any school district was revised pursuant to a unification, consolidation, or other reorganization, occurring on or before July 1, 1989, that resulted in a school district having a larger territorial jurisdiction than the original school district prior to the reorganization, and a reorganization of school districts occurs on or after the effective date of the act that added this subdivision that results in a school district having a territorial jurisdiction that is substantially the same, as determined by the State Board of Education, as the territorial jurisdiction of that original school district prior to the most recent reorganization occurring on or before July 1, 1989, the revenue limit of the school district resulting from the subsequent reorganization shall be the same, notwithstanding subdivision (b), as the revenue limit that was determined for the original school district prior to the most recent reorganization occurring on or before July 1, 1989.
- (e) The average daily attendance of a newly organized school district, for purposes of subdivision (d) of Section 42238, shall be the average daily attendance that is attributable to the area reorganized for the fiscal year two years prior to the fiscal year in which the new district becomes effective for all purposes.
- (f) For purposes of computing average daily attendance pursuant to subdivision (d) of Section 42238 for each school district that exists prior to the reorganization and whose average daily attendance is directly affected by the reorganization, the following calculation shall apply for the fiscal year two years prior to the fiscal year in which the newly reorganized school district becomes effective:
- (1) Divide the 1982-83 fiscal year average daily attendance, computed pursuant to subdivision (d) of Section 42238, by the total average daily attendance of the district pursuant to Section 42238.5.
 - (2) Multiply the percentage computed pursuant to paragraph (1) by the total average daily attendance of the district calculated pursuant to Section 42238.5, excluding the average daily attendance of pupils attributable to the area reorganized.
- (g) This section shall not apply to any reorganization proposal approved by the State Board of Education prior to January 1, 1995.
- (h) Notwithstanding any other provision of law, this section shall not be subject to waiver by the State Board of Education pursuant to Section 33050 or by the Superintendent of Public Instruction.

(Added by Stats.1994, c. 1186 (S.B.1537), § 11. Amended by Stats.1997, c. 662 (S.B.550), § 1; Stats.1998, c. 906 (A.B.2328), § 2.)

§ 35735.2. Base revenue limit per unit of average daily attendance of newly organized districts; district unable to provide necessary facilities; adjustments; lapse of district; application

- (a) If a newly organized school district is unable to provide the school facilities necessary to provide instructional services by employees of the district to all of the pupils who are residents of that district during the fiscal year in which the reorganization becomes effective for all purposes, the base revenue limit per unit of average daily attendance of the newly organized district shall be the blended revenue limit arrived at pursuant to paragraph (1) of subdivision (a) of Section 35735.1 as adjusted by the calculations made pursuant to subparagraphs (B), (C), and (D) of paragraph (4) of subdivision (a) of Section 35735.1 and subdivision (b) of Section 35735.1. As the newly organized school district obtains the school facilities necessary to provide instructional services by employees of the district to all or a portion of those pupils, the following adjustment shall be made to the base revenue limit per unit of average daily attendance of the district each fiscal year subsequent to the fiscal year in which the reorganization becomes effective until the fiscal year in which the district provides the facilities necessary to provide those services for all of those pupils:
- (1) Determine the total number of pupils who are residents of the district to whom the district was unable to provide school facilities necessary to provide that instruction during the fiscal year in which the reorganization becomes effective for all purposes.
 - (2) Determine the total number of pupils identified in paragraph (1) that will attend school in school facilities located in, and receive instructional services provided by employees of, that district in the current fiscal year.
 - (3) Divide the number determined pursuant to paragraph (2) by the number determined pursuant to paragraph (1) to determine the percentage of pupils identified in paragraph (1) who will attend school in school facilities located in, and receive instructional services provided by employees of, that district in the current fiscal year.
 - (4) Multiply the numbers determined pursuant to paragraphs (2) and (3) of subdivision (a) of Section 35735.1 by the percentage determined pursuant to paragraph (3) for that fiscal year, and total the amounts. Divide that sum by the number of units of average daily attendance residing in the proposed district in the current fiscal year.
 - (5) Increase the base revenue limit calculated pursuant to subdivision (a) of this section for the school district by the amount arrived at pursuant to paragraph (4) as adjusted by the calculations pursuant to subparagraphs (B), (C), and (D) of paragraph (4) of subdivision (a) of Section 35735.1. In no event shall the amount determined pursuant to this paragraph exceed that amount that would otherwise be calculated pursuant to subdivision (a) of Section 35735.1.
- (b) For the purposes of making the adjustments described in subdivision (a), the annual audit of the school district required pursuant to Section 41020 shall include an audit of the average daily attendance of pupils by grade level and the numbers of certificated and classified employees on which the adjustments to the base revenue limit of the district were made pursuant to paragraphs (1), (2), and (3) of subdivision (a) of Section 35735.1. Until the newly organized school district provides the school facilities necessary to provide instructional services by employees of the district to pupils who are residents of the district in the manner and in the timeframes set forth in the proposal to reorganize that was approved by the State Board of Education, the county superintendent of schools shall, for each fiscal year, inform the Superintendent of Public Instruction of the extent to which the district is providing those facilities to those pupils. The county superintendent of schools may charge the school district for the cost of preparation of the report. Based on that information, the superintendent shall make base revenue limit apportionments to the school district in a manner consistent with subdivision (a).
- (c) If the newly organized school district is unable to provide the school facilities necessary to provide instructional services by employees of the district to all of the pupils who are residents of the district five years from the date on which the reorganization becomes effective for all purposes, the State Department of Education shall recommend to the State Board of Education whether or not the district should be lapsed pursuant to Article 5 (commencing with Section 35780). The State Department of Education shall make that recommendation for each fiscal year until either the school district provides

the school facilities necessary to provide instructional services by employees of the district to all of the pupils who are residents of the district or the district is lapsed. Upon recommendation by the State Department of Education, the State Board of Education may direct the county committee on school district organization to lapse the school district according to the procedures set forth in Article 5 (commencing with Section 35780).

(d) This section shall not apply to any reorganization proposal approved by the State Board of Education prior to January 1, 1995.

(Added by Stats.1994, c. 1186 (S.B.1537), § 12. Amended by Stats.1998, c. 905 (S.B.2328), § 1; Stats.1998, c. 906 (A.B.2328), § 3.)

§ 35735.3. Recomputation; transfer of students between elementary and high school district

The transfer of seventh and eighth grade pupils between an elementary school district and a high school district triggers the recomputation, pursuant to Section 35735.1, of the base revenue limit per unit of average daily attendance of the district receiving the 7th and 8th grade pupils, except that the computations described in paragraphs (2) and (3) of subdivision (a) of Section 35735.1 shall not apply to a recomputation performed pursuant to this section. *(Added by Stats.2002, c. 1168 (A.B.1818), § 8, eff. Sept. 30, 2002.)*

§ 35735.4. Calculation of base revenue limit per unit of average daily attendance; interdistrict transfers

Notwithstanding paragraphs (2) and (3) of subdivision (a) of Section 35735.1, as it read on June 30, 1998, a school district that was reorganized in the 1998-99 fiscal year, had an enrollment of fewer than 2,000 pupils in the second fiscal year prior to the fiscal year of reorganization, was wholly located within a county of the 20th class, as defined pursuant to Section 28041 of the Government Code, and for which the criteria specified in paragraph (2) or (3), or both, of subdivision (a) of Section 35735.1, as it read on June 30, 1998, would have been met had pupils on interdistrict transfers in the second fiscal year prior to the fiscal year of reorganization attended their district of residence, may include the calculations set forth in paragraphs (2) and (3) of subdivision (a) of Section 35735.1, as it read on June 30, 1998, in the calculation of its base revenue limit per unit of average daily attendance. *(Added by Stats.1998, c. 905 (S.B.2132), § 2.)*

§ 35736. Division of property and obligations

Plans and recommendations may include a proposal for dividing the property, other than real property, and obligations of any school district proposed to be divided between two or more school districts, or proposed to be partially included in one or more school districts. As used in this section, "property" includes funds, cash on hand, and moneys due but uncollected on the date reorganization becomes effective for all purposes, and state apportionments based on average daily attendance earned in the year immediately preceding the date reorganization becomes effective for all purposes. In providing for this division, the plans and recommendations may consider the assessed valuation of each portion of the district, the revenue limit per pupil in each district, the number of children of school age residing in each portion of the district, the value and location of the school property, and such other matters as may be deemed pertinent and equitable. Any such proposal shall be an integral part of the proposal and not a separate proposition. *(Added by Stats.1980, c. 1192, p. 4019, § 3.)*

§ 35737. Election of governing board

Plans and recommendations may include a provision specifying that the election for the first governing board will be held at the same time as the election on the reorganization of the school districts. If such a provision is included, it shall specify the method whereby the length of the initial terms may be determined so that the governing board will ultimately have staggered terms which expire in years with regular election dates. In the absence of such a provision, the election of the first governing board will take place on the first regular election following the passage of the reorganization proposal.

(Added by Stats.1980, c. 1192, p. 4019, § 3.)

§ 35738. Method of dividing the bonded indebtedness

Plans and recommendations may include a method of dividing the bonded indebtedness other than the method specified in paragraphs (1) and (2) of subdivision (b) of Section 35576 for the purpose of providing greater equity in the division. Consideration may be given to assess valuation, number of pupils, property values, and other matters which the petitioners or county committee deems pertinent. *(Added by Stats.1980, c. 1192, p. 4020, § 3.)*

§ 35750. Minimum standards

The State Board of Education shall establish minimum standards which it shall apply in approving or disapproving petitions and proposals for the formation or reorganization of school districts. *(Added by Stats.1980, c. 1192, p. 4020, § 3.)*

§ 35751. Statistical information

When it is necessary for the State Board of Education to consider petitions submitted under this chapter and prepare a proposal relating to such a petition, each county superintendent of schools and every other county officer in the counties affected, and the district superintendent of the school districts affected shall provide the statistical information required by the Department of Education to complete the study. *(Added by Stats.1980, c. 1192, p. 4020, § 3.)*

§ 35752. Notice of hearing

When a petition for reorganization of a district is received in the office of the secretary of the State Board of Education, the secretary shall set the petition for hearing at a regular or special meeting of the board. At least 30 days prior to the date of the hearing, he or she shall send by registered mail a notice containing a general statement of the purpose of the petition and the time and place of the hearing to each of the following persons or agencies:

- (a) The governing board and district superintendent of each school district whose boundaries would be affected.
- (b) The county superintendent and county committee of each county which has jurisdiction over any of the districts whose boundaries would be affected.
- (c) The persons designated in the petition as "chief petitioners."

(Added by Stats.1980, c. 1192, p. 4020, § 3.)

§ 35753. Approval by state board of education; conditions

- (a) The State Board of Education may approve proposals for the reorganization of districts, if the board has determined, with respect to the proposal and the resulting districts, that all of the following conditions are substantially met:
 - (1) The new districts will be adequate in terms of number of pupils enrolled.
 - (2) The districts are each organized on the basis of a substantial community identity.
 - (3) The proposal will result in an equitable division of property and facilities of the original district or districts.
 - (4) The reorganization of the districts will not promote racial or ethnic discrimination or segregation.
 - (5) The proposed reorganization will not result in any substantial increase in costs to the state.
 - (6) The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.
 - (7) The proposed reorganization will not result in a significant increase in school housing costs.
 - (8) The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to an adjoining district.
 - (9) The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.
 - (10) Any other criteria as the board may, by regulation, prescribe.

(b) The State Board of Education may approve a proposal for the reorganization of school districts if the board determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval of the proposals.

(Added by Stats.1980, c. 1192, p. 4020, § 3. Amended by Stats.1990, c. 1658 (S.B.1927), § 8.)

(Amended by Stats.1994, c. 1186 (S.B.1537), § 14.)

§ 35754. Approval or disapproval of formation

After affording interested persons an opportunity to present their views on the petition and after hearing any findings and recommendations of the State Superintendent of Public Instruction, the State Board of Education shall approve or disapprove the formation of the proposed new district. If the board approves the formation, it may amend or include in the proposal any of the appropriate provisions of Article 3 (commencing with Section 35730). *(Added by Stats.1980, c. 1192, p. 4021, § 3.)*

§ 35755. Notice of approval

After the State Board of Education has approved the plans and recommendations for the unification or other reorganization of the school districts in any area, the secretary of the State Board of Education shall give notice of the approval to the county superintendent of schools having jurisdiction over any of the districts whose boundaries or status would be affected by the reorganization as proposed.

(Added by Stats.1980, c. 1192, p. 4021, § 3.)

§ 35756. Election

The county superintendent of schools, within 35 days after receiving the notification provided by Section 35755, shall call an election, in the manner prescribed in Part 4 (commencing with Section 5000), to be conducted at the next available regular election, in the territory of districts as determined by the State Board of Education.

(Added by Stats.1980, c. 1192, p. 4021, § 3.)

(Amended by Stats.2000, c. 1058 (A.B.2907), § 22.)

§ 35756.5. Transfer of territory from one district to another; opposition

In the case of the transfer of territory from one district to another, if the transfer is opposed by the governing boards of one or more of the districts affected with an average daily attendance of 900 or less, the territory in which the election is held shall include the entire territory of the districts opposing the transfer. Each district with an average daily attendance of 900 or less which is included in an election because of the objection of its governing board to the transfer shall bear the additional cost of holding the election in that portion of its territory not otherwise included in the election. When a majority of the votes cast in the school district opposing the transfer and a majority of the votes cast in the entire territory in which the election is held are in favor of the reorganization, the proposal carries.

(Added by Stats.1982, c. 140, § 1. Amended by Stats.1987, c. 917, § 10.)

§ 35757. Statement of official information and statistics

The county superintendent of schools shall prepare a statement of official information and statistics relating to the proposed reorganization which shall include, but is not limited to, the plans and recommendations, the revenue limit per pupil, the rate of growth, the expected enrollment, and the support from the state which can be expected if such area maintains an adequate school program. Such statistics shall be based upon the school year last completed before the date of the election.

(Added by Stats.1980, c. 1192, p. 4021, § 3.)

§ 35758. Arguments for and against the recommendations

The county superintendent of schools calling the election shall cause to be prepared and distributed a statement setting forth arguments for and against the recommendations. The argument shall not exceed 500 words. The argument in favor of the recommendation shall be prepared by the president of the county board or by a proponent of the recommendations designated by the president. The arguments

against the recommendations shall be prepared by a member of the county board who voted against the recommendations, or, if there be none, by an elector designated by the county superintendent of schools who has appeared before the board or at a public hearing in opposition to the recommendation. *(Added by Stats.1980, c. 1192, p. 4021, § 3.)*

§ 35759. Cost of preparation and distribution of arguments and of election

The cost of preparation and distribution of the statement setting forth the arguments in favor of, and those opposed to, the recommendations of the county board, and the cost of any election held pursuant to this article shall be a charge against the general fund of the county. If such district is situated in more than one county, the cost of the election shall be prorated against each county in the same proportion as the assessed valuation of the territory of the proposed new district lying in such county bears to the total assessed valuation of the proposed new districts. *(Added by Stats.1980, c. 1192, p. 4021, § 3.)*

**§ 35760. Campaign literature designed to promote passage or defeat of ballot measure proposing reorganization **

- (a) Any circular, pamphlet, letter, poster, or other campaign literature which is designed to promote either the passage or defeat of a ballot measure proposing the reorganization of school districts shall bear on its face, in a conspicuous place, either of the following:
 - (1) The names and residence addresses of the chairmen and secretary, or the names and residence addresses of at least two officers of the organization issuing it, if issued by an organization.
 - (2) The name and residence address, with the street and number, if any, of any individual responsible for it, if issued by an individual or individuals.
- (b) If any person eligible to vote upon such ballot measure has reason to believe that such campaign literature contains false and misleading statements, he or she may bring an action in the superior court for injunctive relief against further circulation of the literature, and if the court finds that the literature does, in fact, contain false and misleading statements, it may enjoin any further circulation of the literature. *(Added by Stats.1980, c. 1192, p. 4022, § 3.)*

§ 35761. Eligibility to vote

Every qualified elector residing within the territory in which the election is called shall be eligible to vote at such election. *(Added by Stats.1980, c. 1192, p. 4022, § 3.)*

§ 35762. Wording of ballot

The words to appear upon the ballots used for voting upon the adoption or rejection of the proposals for the reorganization of school districts shall be "Reorganization of school districts — Yes," and "Reorganization of school districts — No," or words of similar import. If the plans and recommendations include a proposal for trustee areas in accordance with Section 35734, such proposal shall be considered a part of the reorganization proposition to be voted upon, and the ballot shall include wording to that effect. *(Added by Stats.1980, c. 1192, p. 4020, § 3.)*

§ 35763. Tabulation of returns; notice

Upon the completion of the canvass of the election returns and the absentee ballots, the county superintendent of schools shall tabulate such returns and the absentee ballots, and notify the Superintendent of Public Instruction, the board of supervisors and the governing board of each affected school district of the number of votes cast for, and the number of votes cast against, the reorganization of school districts in each school district and also the total number of votes cast for, and the total number of votes cast against, the reorganization of school districts. *(Added by Stats.1980, c. 1192, p. 4020, § 3.)*

§ 35764. Majority vote

When a majority of all the votes cast are cast in favor of the reorganization or other proposal, the proposal carries. *(Added by Stats.1980, c. 1192, p. 4020, § 3.)*

§ 35765. Order to create, change, or terminate school districts or change boundaries

After the board of supervisors receives a proper certificate of election or other proper evidence that an action to organize or reorganize school districts has been approved as provided by law, the board of supervisors shall make an order to create, change, or terminate school districts as may be required by the action and establish or reestablish the boundaries of the districts affected by the action. The order shall be entered in the county's record of school districts.

If the action results in the creation of a district or a change of district boundaries of the type described in Section 54900 of the Government Code, the order of the board of supervisors shall include the legal description of each district created or changed in the action and, immediately after making the order, the board of supervisors shall cause a copy of the order and a map or plat indicating the boundaries established or reestablished for each district affected by the order to be filed as required by Chapter 8 (commencing with Section 54900) of Part 1 of Division 2, Title 5 of the Government Code. (*Added by Stats.1980, c. 1192, p. 4022, § 3.*)

§ 35766. Order as conclusive evidence of validity of the organization or change of boundaries

After the expiration of one year from the date of the order, the order shall be conclusive evidence that the school district has been legally organized, or the boundaries legally changed, as the case may be, and no suit shall be maintained which questions the validity of the organization or change of boundaries. (*Added by Stats.1980, c. 1192, p. 4023, § 3.*)

§ 35767. Consolidation of election to form new district and choose governing board members

Except as otherwise provided in Article 1 (commencing with Section 35100) of Chapter 2 of Part 21, and notwithstanding the provisions of Section 35101, the county superintendent of schools having jurisdiction may consolidate the election for the purpose of electing the governing board of a unified school district proposed to be formed under Chapter 2 (commencing with Section 4200) of Part 3 with the election held for adopting or rejecting the plans and recommendations for the formation of a new district. The election shall be called, held, and conducted pursuant to Article 1 (commencing with Section 5000) of Chapter 1 of Part 4, Chapter 3 (commencing with Section 5300) of Part 4, and Article 1 (commencing with Section 35100) of Chapter 2 of Part 21, except that the question of formation of a unified school district and any other proposition to be voted upon shall appear on the ballot before the list of candidates for election to the governing board of the proposed unified district. (*Formerly § 35104, added by Stats.1976, c. 1010, § 2, operative April 30, 1977. Renumbered § 35767, and amended by Stats.1987, c. 1452, § 191.*)

§ 35768. Rules and regulations; adoption

The State Board of Education may adopt rules and regulations for the implementation of this article, as it deems necessary. (*Added by Stats.1990, c. 1658 (S.B.1927), § 9.*)

§ 35780. Lapse of school district in certain cases; deferments

- (a) Any school district which has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the district is less than six or if the average daily attendance of pupils in the school or schools maintained by the district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12, except that for any unified district which has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the district for one year upon a written request of the governing board of the district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.
- (b) For a newly organized school district that has been unable to provide the school facilities necessary for instructional services by employees of the district to all of the pupils who are residents of the district after five years from the date that the reorganization became effective, the county committee on school district organization, upon direction from the State Board of Education, shall initiate lapsation procedures pursuant to Section 35783 or revert the reorganized district to its original status.

- (c) A school district may also be lapsed when there are no school facilities or sites on which to maintain any school in the district. (*Added by Stats.1980, c. 1192, p. 4023, § 3. Amended by Stats.1981, c. 120, p. 855, § 1, eff. June 30, 1981.*) (*Amended by Stats.1994, c. 1186 (S.B.1537), § 15.*)

§ 35780.5. Delhi Unified School District; lapsation

- (a) Notwithstanding Section 35780, or any other provision of law, the Delhi Unified School District shall not be lapsed or reverted to its original status if the district has been unable to provide the necessary school facilities for instructional service to all of the pupils who are residents of the district because there are no state bond funds available and the school district is unable to fund the project through any other available means including, but not limited to, one of the following:
- (1) Local bonded indebtedness.
 - (2) Funding provided under the Mello-Roos Community Facilities Act of 1982 contained in Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 of the Government Code for purposes of school facilities.
 - (3) Developer fees or other charges imposed pursuant to Section 53080 of, or Title 7 (commencing with Section 65000) of, the Government Code, for which an ordinance, resolution, or other legislative enactment has been adopted.
- (b) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.
(*Added by Stats.1995, c. 90 (A.B.513), § 1.*)

Repeal

This section is repealed by its own terms operative Jan. 1, 2004.

§ 35781. Attendance of pupils residing in unified district in high schools in an adjoining state

The attendance of pupils residing in a unified district in high schools in an adjoining state pursuant to Section 44618 or Article 1 (commencing with Section 2000) of Chapter 7 of Part 2, shall be deemed for the purposes of this article to be in high schools established and maintained by the unified district.
(*Added by Stats.1980, c. 1192, p. 4023, § 3.*)

§ 35782. Public hearing; notice

Within 30 days after the close of each school year, the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance thereof to each member of the governing board of the lapsed district immediately prior to its lapsation, to each of the governing boards which adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component. (*Added by Stats.1980, c. 1192, p. 4023, § 3.*)

§ 35783. Order; annexation of territory of lapsed district to one or more adjoining districts

After the hearing, the county committee shall order the territory annexed to one or more adjoining districts as seems to the county committee to be in the best interest of the adjoining districts and the residents of the lapsed district. (*Added by Stats.1980, c. 1192, p. 4023, § 3.*)

§ 35784. Division of funds, property, and obligations of lapsed district [

If the county committee orders the territory of a lapsed district annexed to more than one adjoining district, it may provide for such a division of the funds, property, and obligations of the lapsed district as it deems most equitable in the circumstances. If no division is provided for by the committee, the general provisions of Article 7 (commencing with Section 35560) of Chapter 3 shall apply to the division of funds, property, and obligations of the lapsed district. (*Added by Stats.1980, c. 1192, p. 4024, § 3.*)

§ 35785. Notice of board action

Following the order of the county committee, the county superintendent of schools shall give notice of the board action to the county board of supervisors and to the State Board of Education. (*Added by Stats.1980, c. 1192, p. 4024, § 3.*)