

B. Process: Quick-Reference Chart 5.1

**TERRITORY TRANSFERS INITIATED BY
OWNERS OF INHABITED TERRITORY,
A 25 PERCENT PETITION, OR DISTRICT GOVERNING BOARDS
(See Flowchart A)**

1. Initiation of Proposals for Territory Transfer (*EC 35700*)
 - a. Petition signed by the owner(s) of uninhabited territory; or,
 - b. Petition signed by at least 25 percent of the registered voters in the inhabited territory proposed to be reorganized (if the territory proposed for reorganization is located within two or more school districts, the signatures of at least 25 percent of the registered voters from that territory in each school district are required); or,
 - c. Petition signed by a majority of the members of the governing boards of all affected districts; or,
 - d. Petition signed by at least 8 percent of registered voters who cast votes in the last gubernatorial election to reorganize a district with over 200,000 ADA into two or more districts.

2. Determination of Sufficiency and Transmittal of Petition within 30 Days of Receipt (*EC 35704*)
 - a. County superintendent must determine the sufficiency of the petition.
 - b. The County Superintendent typically works with county elections officials to determine the sufficiency of voter petitions.
 - c. The county committee and the State Board of Education must be notified when a valid petition is received.

3. Public Hearings (*EC 35705, 35705.5*). A public hearing in each affected district must be held by the county committee within 60 days of receipt of a valid petition.
 - a. Notice of the public hearing shall be given at least ten days in advance of the hearing.
 - b. County committee may add to the petition any of the appropriate provisions specified in *EC* sections 35730 through 35738.

4. Notice to Local Agency Formation Commission (*EC 35700.5*). 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.
5. CEQA Review (*Public Resources Code* sections 21000 through 21177). The county committee must comply with the requirements of CEQA.
6. County Committee Study of the Territory Transfer (*EC 35753*). The county committee study must determine the impact of the territory transfer on the conditions listed in *EC 35753*.
7. Approval Process (*EC 35706, 35709, 35710, 35710.1*)
 - a. If all the conditions of *EC 35753* are substantially met, the county committee may approve or disapprove the petition to transfer territory within 120 days of the first public hearing or within 120 days of complying with CEQA if the county committee determines that the territory transfer is a project under CEQA.
 - b. If any of the following three conditions exist, the county committee may approve the territory transfer without an election:
 - i. The territory is uninhabited, the majority of the owners of the territory consent to the transfer, and the governing boards of all affected school districts consent to the transfer.
 - ii. The territory is inhabited; the territory constitutes less than 10 percent of the assessed valuation of the original district from which the territory is being transferred, and the governing boards of all affected districts consent to the transfer.
 - iii. The election area for the territory transfer, as determined pursuant to *EC 35732*, is uninhabited territory as described in *Education Code* Section 35517.
 - c. For all other territory transfers, if the county committee approves the transfer, the county superintendent must call an election in an area determined by the county committee.
8. An action by the county committee approving or disapproving a petition to transfer territory may be appealed to the State Board of Education by the chief petitioners or one or more affected school districts. (*EC 35710.5*)

- a. Appellants, except for affected school districts, shall file with the county committee a notice of appeal within five days after the final action of the county committee.
 - b. Affected school districts shall file with the county committee a notice of appeal within 30 days after the final action of the county committee.
 - c. Within 15 days after filing the notice of appeal, the appellants shall file with the county committee a statement of reasons and factual evidence.
 - d. Within 15 days of receipt of the statement of reasons and factual evidence, the county committee shall 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.
9. Any person questioning the finding of the county committee that the proposed reorganization will not adversely affect the racial or ethnic integration of the schools of the districts affected may appeal a decision based on that finding to the State Board of Education within 30 days after the final action of the county committee. (EC 35711)

