

**RESOLUTION OF THE ORANGE COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION REGARDING THE
ORANGE COUNTY BOARD OF EDUCATION'S PETITION REQUESTING AN
ORDER BY THE STATE BOARD OF EDUCATION THAT THE ORANGE COUNTY
BOARD OF EDUCATION ACT AS THE COUNTY COMMITTEE ON SCHOOL
DISTRICT ORGANIZATION FOR ORANGE COUNTY**

WHEREAS, Education Code section 4000 requires that there is in each county, except a county which is also a city and county, a county committee on school district organization; and

WHEREAS, under Education Code sections 35500 et seq. and 35700 et seq., a county committee is responsible for reviewing and making decisions on proposed changes to school district boundaries, including annexations (adding territory to a district), transfers of territory between school districts, unification of school districts, reorganizing existing school districts and the formation of new school districts; and

WHEREAS, Education Code section 5019 provides that the county committee is responsible for establishing or abolishing trustee areas, rearranging the boundaries of trustee areas, adopting one of the alternative methods of electing governing board members, increasing to seven or decreasing to five the number of members of the governing board in any school district or community college district, and establishing or abolishing a common governing board for a high school district and an elementary school district within the boundaries of the high school district; and

WHEREAS, under Education Code section 1000, for county boards of education, the county committee has the power to regulate the election of members to county boards of education. Pursuant to Education Code section 1002, at the request of the county board, the county committee is responsible for changing the boundaries of any or all of the trustee areas of the county, or proposing an increase or decrease of the number of members of the county board of education, or both. Additionally, pursuant to Education Code section 1002(b), following the decennial census, the county committee is responsible for adjusting the boundaries of any or all of the trustee areas of the county board as necessary; and

WHEREAS, under Education Code sections 4003 et. seq., the election, composition, and membership of a county committee are prescribed by statute. The Orange County Committee on School District Organization (County Committee) is composed of eleven members, who are annually elected by representatives of the governing board of each school district and community college district to serve four-year terms. At least two members from each county supervisorial district are elected and one member is elected at-large; and

WHEREAS, Education Code section 4010 specifies that county committee members serve without compensation but may be reimbursed for any actual and necessary travel expenses incurred in the performance of their duties; and

WHEREAS, Education Code section 4020 states:

“(a) Upon the petition of the county committee on school district organization of a county, or of the county board of education of that county, the State Board of Education may order the county board of education to act as the county committee on school district organization for that county.

“(b) The State Board of Education shall approve or reject a petition to transfer the duties and powers of the county committee on school district organization of a county to the county board of education of that county and shall notify the petitioning agency of its action within 90 days after receiving the petition;” and

WHEREAS, Education Code section 4021 states, “Upon the order of the State Board of Education issued pursuant to Section 4020, the county board of education of a county succeeds to and is vested with all duties, powers, purposes, responsibilities, and jurisdiction formerly vested in the county committee on school district organization of that county;” and

WHEREAS, Education Code section 4022(a) states, “The State Board of Education may, upon its own motion or upon petition of the county board of education or a majority of districts in the county, reestablish a county committee on school district organization whose duties and powers have been previously transferred pursuant to Section 4020;” and

WHEREAS, in a letter dated July 19, 2023, the Orange County Board of Education (County Board) notified the County Committee that the County Board will consider a resolution constituting a petition to the State Board of Education pursuant to Education Code section 4020 to transfer the powers and duties of the County Committee and seeks the support of the County Committee for the County Board’s Education Code section 4020 petition; and

WHEREAS, on August 2, 2023, the County Board adopted a Resolution authorizing the filing of a petition pursuant to Education Code section 4020 with the State Board of Education for an order that the County Board act as the County Committee (Petition); and

WHEREAS, on August 7, 2023, the State Board of Education received a petition under Education Code section 4020 from the County Board requesting an order by the State Board of Education that the County Board act as the County Committee for Orange County; and

WHEREAS, on August 10, 2023, County Board President Tim Shaw sent a communication to all Orange County Superintendents regarding the County Board’s Petition and requested their support by emailing expressions of support (letters, resolutions, etc.) to be sent to the State Board of Education with copies to the California Department of Education; and

WHEREAS, on September 7, 2023, the California Department of Education requested input from all school districts in Orange County by October 1, 2023 regarding the

Petition to assist the California Department of Education with its analysis and recommendation to the State Board of Education; and

WHEREAS, the California Department of Education sought school district input because the majority of school districts in Orange County could petition to reestablish the county committee under Education Code section 4022; and

WHEREAS, on October 5, 2023, the County Committee convened a special meeting to consider the County Board’s request to support its Petition, receive public comment, and consider input from Orange County school districts; and

WHEREAS, the County Committee has thoroughly reviewed the County Board’s Petition and information related to the Petition, including public comment, and now wishes to take action to support and/or oppose the County Board’s Petition.

NOW, THEREFORE, be it resolved by the Orange County Committee on School District Organization as follows:

1. That the above recitals are true and correct.
2. That the County Committee hereby supports/opposes the County Board’s Petition to the State Board of Education to transfer all duties, powers, purposes, responsibilities, and jurisdiction vested in the County Committee to the County Board.
3. That the Chairperson of the County Committee, the Secretary to the County Committee, Legal Counsel for the County Committee, and/or their designees take all actions necessary to implement the County Committee’s Resolution.

ADOPTED this _____ day of October, 2023.

Motion made by:

Second made by:

AYES:

NOES:

ABSENT:

I, Howard Marinier, Secretary to the Orange County Committee on School District Organization, hereby certify, in the County of Orange, State of California, that the above and foregoing Resolution was duly and regularly adopted by said County Committee at a special meeting thereof held on the ____ day of October, 2023, and passed by a vote of ____ to ____ in favor of said Committee Members present.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of October 2023.

Howard Marinier
Secretary to the Orange County Committee
on School District Organization