

**RESOLUTION OF THE BOARD OF EDUCATION**  
**ORANGE COUNTY, CALIFORNIA**

Resolution of The Orange County Board Of Education authorizing the filing of a petition pursuant to Education Code section 4020 with the California State Board Of Education for an order that The Orange County Board Of Education act as the County Committee On School District Organization

AUGUST 2, 2023

WHEREAS, the Orange County Board of Education is the duly elected body representing the residents of Orange County, a charter county, with regard to fiscal and other matters pertaining to the educational system in the county; and

WHEREAS, the Orange County Committee on School District Organization is a body of 11 (eleven) persons appointed by representatives of the school districts in the county (Ed. Code §§ 4000 et seq.); and

WHEREAS, the budget of the Orange County Department of Education includes funding for the operations of the county committee; and

WHEREAS, Education Code § 4020 provides:

- (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.

WHEREAS, Education Code § 4021 provides:

- 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.

WHEREAS, vesting the existing duties, powers, purposes, responsibilities, and jurisdiction (“duties and powers”) of the Orange County Committee on School District Organization in the Orange County Board of Education would achieve the following:

- Efficiency and clarity (considering the unique circumstances in Orange County in which responsibility for school district reorganization was vested in

the board of education in 1977 in accordance with law), by consolidating all duties of the county committee in the Orange County Board of Education,

- Administrative convenience given the minimal workload of the county committee,
- Fiscal prudence and economy by eliminating the need to provide for the support and operations of a separate county committee with minimal duties,
- Public accountability by vesting the duties of the county committee in an elected body;

WHEREAS, the California State Board of Education has acted pursuant to Education Code §§ 4020 and 4021 to order consolidation the duties and powers of a county committee in the county board of education in 35 of California's 57 counties with county committees (see CDE, "School District Reorganization Handbook", Ch. 3. Page 2, last reviewed on 7/19/2023) and has, to the knowledge of the Orange County Board of Education, never denied a petition for an order under section 4020;

WHEREAS, the duties and powers of a county committee on school district organization are:

- processing petitions for the organization and reorganization of school districts in the county including granting some petitions under certain circumstances (Ed. Code §§ 35511, 35700 et seq.);
- changing the governance structure of school districts within a county including the number of trustees and the manner by which they are elected ("at-large," "by-trustee areas," or "from- trustee areas") (Ed. Code §§ 5019 and 5019.5);
- upon request of the county board of education, changing the boundaries of the trustee areas of a county board of education and, after the decennial federal Census, ensuring that the "boundaries of any or all of the trustee areas of the county board of education" "meet the [equal] population criteria" (Ed. Code § 1002);

WHEREAS, the workload of the Orange County Committee on School District Organization with regard to reorganization of school district boundaries is minimal: in the last decade, the county committee considered only three petitions for a territory transfer, two in 2016 and one in 2017, and the California State Board of Education reversed the county committee decision on the latter (see final Minutes of November 2-3, 2022 Meeting of SBE, Item #10); and

WHEREAS, the county committee's exercise of authority in those few reorganizational matters cited in the previous paragraph is contrary to Resolution No. 77-933 of the Orange County Board of Supervisors, which on June 7, 1977, pursuant to Education Code § 1080 as it then existed, transferred to the Orange County Board of Education, "[A]ll duties and functions relative to the organization or reorganization of school districts and community college district (sic)" (copy

attached and incorporated herein by reference) and granting a petition pursuant to Education Code § 4020 would be consistent with the historical and legally authorized allocation of responsibilities for school district reorganization in Orange County; and

WHEREAS, the county committee in 2016 processed only one petition for a reduction in the size of the governing board of a school district from seven to five members; and

WHEREAS, the Orange County Committee on School District Organization has heard numerous requests by school districts to transition from at-large voting for governing board members to voting “by-trustee area,” such that, of Orange County’s 28 school districts, all but four now elect governing board members “by-trustee area”; and

WHEREAS, one of the remaining four school districts using an at-large method of election for governing board members is in the process of establishing “by-trustee area” election, in which case only 3 out of 28 districts will continue to vote at-large in governing board elections and could consider transitioning to by-trustee area elections at a future time; and

WHEREAS, the Orange County Committee on School District Organization has not been required to adjust the trustee area boundaries of any Orange County school district pursuant to Education Code § 5019 or § 5019.5; and

WHEREAS, the county committee did not meet at all on a reorganization or school district governance matter in 2013, 2019, 2021, and, so far, 2023; and

WHEREAS, in December 2021 and January 2022, the Orange County Committee on School District Organization met to consider the adjustment of the trustee area boundaries of the Orange County Board of Education, a once per decade requirement (Ed. Code § 1002); and

WHEREAS, prior to the county committee’s consideration, the Orange County Board of Education had met concerning redistricting and the 2020 Census at nine public meetings, including 3 public hearings, and considered 10 draft maps for adjustment of the board’s trustee area boundaries, selecting one for submission to the county committee that satisfied all legal requirements, including completely equal population in the trustee areas and compliance with the federal Voting Rights Act, and respected minority communities of interest, in particular that of the Vietnamese community in Orange County; and

WHEREAS, the county committee disregarded the adjustment plan submitted by the Orange County Board of Education and adopted a map of its own design, which had been made public only 24 hours earlier and, unlike the redistricting plan adopted by the Orange County Board of Education, split the Vietnamese community, a minority community of interest, cracking it across two districts and thus diluting its voting strength; and

WHEREAS, the Vietnamese community of Orange County appeared at the county committee meetings and bitterly opposed the map adopted by the county committee and supported the map adopted by the Orange County Board of Education, but because the members of the county committee are not elected, the Vietnamese community is without political recourse against the offense to its voting power; and

WHEREAS, on February 1, 2022, pursuant to Education Code § 1000(a), the Orange County Board of Supervisors passed Resolution No. S8A vesting authority in the Orange County Board of Education to change or adjust the boundaries of the trustee areas of the board of education following the decennial federal Census; and

WHEREAS, although the county committee disputes the validity of Resolution No. S8A, any role the county committee has in the adjustment of the trustee areas of the Orange County Board of Education arises only once every ten years or upon request of the Orange County Board of Education, and in counties in which the duties of the county committee are consolidated in the board of education, the decennial adjustment of the trustee areas of the board of education is subject to the same laws as in counties with a separate county committee; and

WHEREAS, Orange County Board of Education and the Orange County Committee on School District Organization are currently engaged in litigation pending on appeal concerning the proper interpretation of authority granted under Sections 1001(a) and Section 1002 of the Education Code, (*Orange County Board of Education v. Orange County Committee on School District Organization*, California Court of Appeal, Fourth Appellate Dist., Div. 3, No. G061395, “the litigation, herein”), causing the county office of education to expend hundreds of thousands of dollars on litigation rather than on the education of students; and

WHEREAS, the multiple goals and purposes of this petition outweigh and exceed the issues disputed in the litigation and cannot be resolved through resolution of that matter; and

WHEREAS, the Orange County Board of Education has advised the Orange County Committee on School District Organization about this resolution and its purposes, and requested the county committee’s support;

NOW THEREFORE, THE ORANGE COUNTY BOARD OF EDUCATION RESOLVES:

1. The foregoing recitals are true and correct.
2. The Board of Education authorizes the filing of this resolution with the California State Board of Education as a petition pursuant to Education Code § 4020 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, thus transferring the duties and powers of the Orange County Committee on School District Organization to the Orange County Board of Education.
3. Upon the order of the State Board of Education issued pursuant to Education Code § 4020, the Orange County Board of Education will succeed to and be vested with all duties, powers, purposes, responsibilities, and jurisdiction formerly vested in the Orange County Committee on School District Organization.
4. The Orange County Board of Education unanimously and wholeheartedly supports the granting of this petition pursuant to Education Code § 4020 by the State Board of Education.

5. The Executive Committee of the Orange County Board of Education is authorized to continue advising the existing Orange County Committee on School District Organization about this resolution and continue seeking the county committee's support for the petition pursuant to Education Code § 4020.

6. The Executive Committee of the Orange County Board of Education is authorized to work with the board's general counsel and such other consultants as counsel deems appropriate to file with the California State Board of Education any and all information deemed necessary to assist in the processing of this petition and taking all other appropriate actions to support the issuance of an order of the State Board of Education granting the petition, including requesting an opportunity to address the State Board at a public meeting as appropriate.

ADOPTED by the Orange County Board of Education on August 2, 2023.

Ayes: 5

No: 0

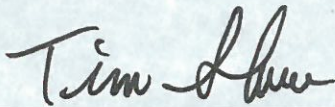
Absent: 0

State of California

County of Orange

I, Tim Shaw, President of the Board of Education Of Orange County, California, hereby certify that the foregoing resolution was duly and regularly adopted by the said board at a special meeting thereof held on the 2<sup>nd</sup> day of August, 2023 and was passed by a vote of (5 - 0) of said members present.

IN WITNESS THEREOF, I have hereunto set my hand and seal on the 2<sup>nd</sup> day of August, 2023.



Tim Shaw, President  
Orange County Board Of Education

Resolution #14-23