

**AGENDA OF SPECIAL MEETING AND PUBLIC HEARING
TULARE COUNTY COMMITTEE ON
SCHOOL DISTRICT ORGANIZATION**

Citrus South Tule School District
Citrus South Tule School Room 2 – 31374 Success Valley Drive, Porterville CA
March 18, 2015 at 6:30 p.m.

1. Call to order.
2. Pledge of Allegiance.
3. ADA Accommodation Requirement: Persons who are in need of a disability-related modification or accommodation in order to participate in the committee meeting must make a request in writing to the Office of the County Superintendent of Schools: (physical address: 2637 W. Burrel Avenue, Visalia CA 93291 / mailing address: PO Box 5091, Visalia CA 93278-5091), Phone: 559-733-6301. A request for accommodation should specify the nature of the modification or accommodation requested, including any necessary auxiliary aids or services required and the name and telephone number of the person making the request. The written request should be made as soon as possible and no later than 2 days before the meeting. The agenda, agenda packet and any written documents distributed to the county committee during a public meeting will be made available in appropriate alternative formats upon request by a person with a disability as required by the Americans with Disability Act.
4. Any writings or documents that are public records and are provided to a majority of county committee members regarding an open session item on the agenda will be made available for public inspection in the office located at the Tulare County Office of Education – 2637 W. Burrel Avenue, Visalia Ca during normal business hours. In addition, the documents may be posted on the agency's website at www.tcoe.org (Government Code section 54957.5(b))
5. Public Comment: At this time, members of the public may address the committee on any agenda item, or other items of interest within the subject matter jurisdiction of the committee. Agenda items may also be addressed by the public at the time they are taken up by the committee. The committee is not able to discuss or take action on any item not appearing on the agenda. A reasonable time limit can be imposed on public input for individuals/issues as deemed necessary.
6. Approval of Minutes from November 13, 2014
Enclosure #1
7. The County Committee will review information in support of the lapsation of the Citrus South Tule School District into the Porterville Unified School District.

Enclosure #	Description
2	County Committee Resolution No. 2015-1 ORDER OF LAPSATION (In the Matter of the Lapsation of Citrus South Tule School District into Porterville Unified School District
3	Notice of Public Hearing – Lapsation of Citrus South Tule School District into Porterville Unified School District
4	California State Board of Education Notice of Approval of Waiver Request (1/21/15)
5	California State Board of Education January 2015 Agenda Waiver Request
6	Citrus South Tule School District Resolution No. 2015-11 and Porterville Unified School District Resolution No. 11 – In the Matter of Requesting a Waiver from the State Board of Education of portions of California Education Code sections 35780 and 35782, which

	requires lapsation of a district with an average daily attendance of less than six in grades one through 8 and imposes specified timelines, and supporting the lapsation of Citrus South Tule School District into Porterville Unified School District
7	Tulare County Office of Education Financial Update – Citrus South Tule Elementary (9/26/14)
8	Citrus South Tule School District Resolution No. 2015-09 and Porterville Unified School District Resolution No. 9 – Joint Resolution in support of the Citrus South Tule School District’s Request, to the California State Board of Education, to waive parts of the California Education Code to allow lapsation of the Citrus South Tule School District, and annexation of all its territory into the Porterville Unified School District And Joint Resolution in support of lapsation of the Citrus South Tule School District, and annexation of all its territory into the Porterville Unified School District

8. Public Hearing to consider the lapsation of Citrus South Tule School District into Porterville Unified School District.
 - a. Conduct the Public Hearing (invite and hear public comment)
 - b. Close the Public Hearing
9. Following the close of the public hearing, the County Committee will consider action to approve the lapsation of Citrus South Tule School District into Porterville Unified School District.
10. Set date, time, and place for the next meeting, if necessary.
11. Adjournment

ENCLOSURE #1

ENCLOSURE #1

**TULARE COUNTY COMMITTEE ON
SCHOOL DISTRICT ORGANIZATION
MINUTES**

The Tulare County Committee on School District Organization met and held its annual organizational meeting on November 13, 2014 at 8:00 p.m. at the Visalia Holiday Inn, 9000 West Airport Drive, Visalia, California.

The County Committee meeting was called to order by Chairman, Joe Hallmeyer at 8:24 p.m.

MEMBERS PRESENT	John Beck, Mary Helen Espino, Joe Hallmeyer, Mickey Hirni, Bob Line, and Helen Renteria
MEMBERS ABSENT	Rick Chappell, Melissa Janes, Victor Pérez, and Bob Pugh (Doug Greene resigned from the County Committee on November 4, 2014)
COUNTY STAFF	John Caudle, Deputy Superintendent; and Shelly DiCenzo, Administrative Legal Assistant
OTHER GUESTS	Carol Laird, Deputy County Counsel and Stephanie Smittle, Deputy County Counsel
DISABILITY-RELATED MODIFICATION OR ACCOMMODATION	ADA accommodations have been met
PUBLIC COMMENTS	Members of the public did not address the Committee on any agenda item, or other item of interest within the subject matter jurisdiction of the committee during the public comment period.
APPOINTMENT OF COMMITTEE MEMBER – VACANCY IN DISTRICT 5	Mr. Carl Carlson was present for appointment to fill the vacancy due to the resignation of Doug Greene as representative for District 5. Chairman Hallmeyer called for action to appoint Carlson. Vote: Aye – Beck, Espino, Hallmeyer, Hirni, Line and Renteria; No – None; Absent – Chappell, Janes, Pérez and Pugh
SELECTION OF CHAIRPERSON	Mary Helen Espino made a motion to keep Joe Hallmeyer as chairman for 2015, which was seconded by Bob Line. This motion was carried unanimously. Vote: Aye – Beck, Espino, Hallmeyer, Hirni, Line and Renteria; No – None; Absent – Chappell, Janes, Pérez and Pugh
SELECTION OF VICE- CHAIRPERSON	For vice-chairperson, a motion was made by John Beck to nominate Melissa Janes. Mary Helen Espino seconded the motion. The committee voted unanimously to reelect Melissa Janes as vice-chairperson. Vote: Aye – Beck, Espino, Hallmeyer, Hirni, Line and Renteria; No – None; Absent – Chappell, Janes, Pérez and Pugh

MINUTES

A motion was made by Mickey Hirni, seconded by Mary Helen Espino and carried unanimously to approve the minutes of the November 14, 2013 organizational meeting as written.

Vote: Aye – Beck, Espino, Hallmeyer, Hirni, Line and Renteria;

No – None; Absent – Chappell, Janes, Pérez and Pugh

ADJOURN

Mr. Hallmeyer announced that there is an update for the committee prior to setting the next meeting. John Caudle explained that Citrus South Tule School District will lapse into Porterville Unified. Both boards have passed resolutions asking the State Board of Education to lapse Citrus South Tule. The process is a little easier than a transfer of territory, but basically the same thing. There are waivers attached to the board resolutions that will waive the election requirements and will allow the lapsation to take effect on July 1, 2015 rather than a year later. The State Board is scheduled to hear the waivers in mid-January 2015. The County Committee will need to hold a public hearing sometime between January and June within the boundaries of Citrus South Tule (which is within the boundaries of Porterville Unified). The meeting will be called sometime after the State Board takes action. After the County Committee takes action and Mr. Vidak approves it, the district of Citrus South Tule will no longer exist as of July 1, 2015. All of its territory and property will become part of Porterville Unified at that time.

Mickey Hirni asked for Mr. Carlson to introduce himself to the committee.

As there was no further business, Chairman Hallmeyer adjourned the meeting at 8:32 p.m.

Respectfully submitted,

Jim Vidak, Ex-Officio Secretary
County Committee on School District Organization

ENCLOSURE #2

ENCLOSURE #2

**BEFORE THE COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION
OF TULARE COUNTY**

ORDER OF LAPSATION

In the Matter of the Lapsation of Citrus South
Tule School District into Porterville Unified
School District effective July 1, 2015

Resolution No. 2015-1

RECITALS

1. The Citrus South Tule School District is a K-6 school district that lies entirely within the territory of the Porterville Unified School District of Tulare County, California.
2. The Citrus South Tule School District currently has an enrollment of twenty-eight students. However, only two of these students are residents of the Citrus South Tule School District with the remainder attending on inter-district transfers from the Porterville Unified School District.
3. Based on current fiscal analysis, the Citrus South Tule School District will be unable to maintain fiscal solvency beyond the 2014-2015 school-year.
4. The governing boards of both districts have approved resolutions to support lapsation of the Citrus South Tule School District into the Porterville Unified School District.
5. Both school districts desire to have this Committee on School District Organization consider and adopt lapsation of the Citrus South Tule School District into Porterville Unified School District, effective July 1, 2015, in order to allow greater educational opportunity for students, more successful matriculation into grade 7 and beyond, financial viability, efficiency of district office functions, ability to absorb fluctuations of student enrollment, to allow for flexibility in student programs, and to allow for an orderly transition of functions, instruction, property management, and personnel management.
6. The Tulare County Superintendent of Schools (County Superintendent) also supports the lapsation, noting that the Citrus South Tule School District's "long-term ability to operate" is questionable due to its precarious financial status.
7. Each of these two school districts requested the California State Board of Education to waive portions of California Education Code sections 35780 and 35782, which require lapsation of a district with an average daily attendance of less than six, to remove those average daily attendance conditions for lapsation. The waiver request also allowed the County Committee to begin the lapsation process earlier than 45

days prior to the end of the school year. The State Board of Education approved the waiver request at its meeting on January 14, 2015.

8. Each district has requested this County Committee on School District Organization to annex Citrus South Tule School District into Porterville Unified School District following all required procedures in accordance with the waiver.
9. Pursuant to the waiver request approved by the State Board of Education, and to recent amendments to the Education Code pursuant to Stats 2014 ch 327 § 7 (AB 1599), which became effective January 1, 2015, the applicable law as to the proposed lapsation of Citrus South Tule School District [as partially waived and with irrelevant parts omitted] now states in relevant part:

Education Code § 35780: “(a) Any school district which has been organized for more than three years shall be lapsed as provided in this article... 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.” [sub-sections (b) and (c) providing additional authority for lapsation omitted here as irrelevant]

Education Code § 35780.1: “For purposes of this article, "lapse" means an action to dissolve a school district and annex the entire territory of that district to one or more adjoining school districts.”

Education Code § 35782: “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 of the hearing to each member of the governing board of the lapsed district immediately before its lapsation, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.”

Education Code § 35783: “After the hearing, and at least 30 days before the end of the school year, 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.”

Education Code § 35785: “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.”

Education Code § 35786: “An order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the July 1 after date of the order.

Notwithstanding Section 35534, the effective date of the order is not subject to compliance with Section 54900 of the Government Code. Compliance with Section 54900 of the Government Code is required by December 1 of the year in which the order is made.”

Education Code § 35787: “Except as otherwise provided in this article, an action to lapse a school district is subject to the provisions of Chapter 3 (commencing with Section 35500), and the county committee may add to its order to lapse a school district, pursuant to Section 35783, appropriate provisions specified in Article 3 (commencing with Section 35730).

10. Due to the State Board of Education-approved waiver of the Education Code, the County Committee is required to lapse the Citrus South Tule School District with such lapsation effective for July 1, 2015.

11. On March 3, 2015, the Secretary of the County Committee distributed a notice to each member of the governing board of “the lapsed district immediately before its lapsation,” namely Citrus South Tule School District; to “each of the governing boards that adjoin the lapsed district,” namely Alta Vista School District, Springville Union School District, Strathmore Union School District, and Porterville Unified School District; and to” the high school district of which the lapsed elementary district is a component,” namely Porterville Unified School District, specifically inviting public testimony regarding the proposal to annex the Citrus South Tule School District to Porterville Unified School District, and said notice was printed in a newspaper of general circulation and posted at the Citrus South Tule School site and two other public locations within the district, and at the Porterville Unified School District office, which included the date, time, location and subject of the hearing.

12. On March 18, 2015 the Tulare County Committee on School District Organization conducted a properly noticed public hearing within the boundaries of Citrus South Tule, at which time the public was invited to testify on the lapsation proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The above recitals are true and correct.

B. The County Committee hereby orders the territory of Citrus South Tule School District annexed to the Porterville Unified School District.

C. As provided by Education Code § 35786, this order shall be effective for all purposes on July 1, 2015.

D. As provided by Education Code § 35785, the county superintendent of schools shall give notice of this order to the county board of supervisors and to the State Board of

Education, and is authorized and directed to and to take all other actions necessary to carry out the this resolution and related procedures.

This Resolution was adopted by the County Committee on School District Organization of Tulare County on March 18, 2015, by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

Date:

EX-OFFICIO SECRETARY'S CERTIFICATION

I, Jim Vidak, Ex-Officio Secretary of the County Committee on School District of Tulare County, hereby certify that this is a true and correct copy of the resolution adopted by the County Committee as set forth above.

Date:

Jim Vidak, Ex-Officio Secretary

HW2/25/2015/20121703/749147

ENCLOSURE #3

ENCLOSURE #3

**NOTICE OF PUBLIC HEARING
LAPSATION OF CITRUS SOUTH TULE SCHOOL DISTRICT
INTO PORTERVILLE UNIFIED SCHOOL DISTRICT**

NOTICE IS HEREBY GIVEN that the Tulare County Committee on School District Organization will hold a public hearing pursuant to resolutions approved by each school district in support of lapsation of Citrus South Tule School District into Porterville Unified School District and the State Board of Education-approved waiver of certain Education Code requirements.

The public hearing will be held at a special meeting of the Tulare County Committee on School District Organization on **MARCH 18, 2015 at 6:30 p.m.** at the following location:

**CITRUS SOUTH TULE SCHOOL DISTRICT – ROOM 2
31374 SUCCESS VALLEY DRIVE
PORTERVILLE, CALIFORNIA**

At the public hearing information will be provided concerning the lapsation of Citrus South Tule School District into Porterville Unified School District and other legal requirements. Any member of the public, and any representatives of the affected school districts, will be provided the opportunity to provide oral or written comments to the County Committee concerning the lapsation. This Notice is specifically provided to the public and to each member of the governing board of Citrus South Tule School District, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

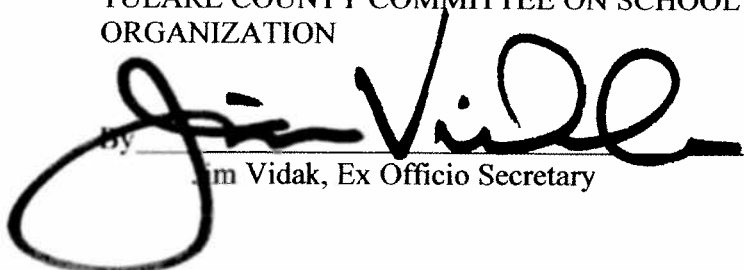
At the conclusion of the Public Hearing, and at the same time and place (but in no case later than 30 days before the end of the school year), the County Committee intends to take final action to order the territory of Citrus South Tule School District annexed to the Porterville Unified School District as the County Committee determines to be in the best interest of the adjoining districts and the residents of the lapsed district and as required by Education Code section 35783, and to take such further action as necessary to effectuate this intent. The order of the County Committee attaching the territory of the lapsed Citrus South Tule School District to Porterville Unified School District shall be effective for all purposes on July 1 after the date of the order.

NOTICE IS FURTHER GIVEN that documentation concerning the lapsation, the proposed Order of Lapsation, and other supporting documentation are available to interested members of the public during normal business hours at the following locations:

Citrus South Tule School District Attn: David Huchingson, Superintendent 31374 Success Valley Drive Porterville CA 93257 Phone: 559-784-6333	Porterville Unified School District Attn: John Snavelly, Ed.D., Superintendent 600 West Grand Avenue Porterville CA 93257 Phone: 559-793-2455	Tulare County Committee on School District Organization Attn: Jim Vidak, Ex-Officio Secretary Physical Address: 2637 West Burrell Ave, Visalia CA 93291 Mailing Address: PO Box 5091, Visalia CA 93278-5091 Phone: 559-733-6301
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Dated: March 2, 2015

TULARE COUNTY COMMITTEE ON SCHOOL DISTRICT
ORGANIZATION


by Jim Vidak, Ex Officio Secretary

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF TULARE

I am employed with the Tulare County Office of Education, in the State of California. I am over the age of eighteen (18) years and not a party to this action; and, my business address is: 2637 W. Burrel Avenue, Visalia California 93291.

On March 3, 2015, I served the following document: NOTICE OF PUBLIC HEARING – LAPSATION OF CITRUS SOUTH TULE SCHOOL DISTRICT INTO PORTERVILLE UNIFIED SCHOOL DISTRICT on the parties to this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

CITRUS SOUTH TULE SCHOOL DISTRICT:

Melinda Beer	Susan Qualseth
Janette Manning	Suzanne Hassanshahi
Jane Dignam	

PORTERVILLE UNIFIED SCHOOL DISTRICT:

Lillian Durbin	Felipe Martinez
Pete Lara, Jr.	David DePaoli
Sharon Glee Gill	Hayley Buettner
Patricia Contreras	

ALTA VISTA SCHOOL DISTRICT:

Lee Behrens	Jennifer Findley
Sheena Williams	Hellena Larue Miley
Maria Lupe Perez	

Continued on next page...

SPRINGVILLE UNION SCHOOL DISTRICT:

Dianne Shew	Craig Wallace
Kenny Walker	Roger Kay
Chris Ferrell	

STRATHMORE UNION SCHOOL DISTRICT:

Jim Shropshire	Cheryl Ervin-Sisk
Adele Sanchez	Patty Crocker
Michael Noell	

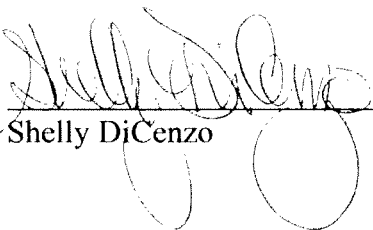
☒ **BY MAIL** – I am “readily familiar” with the Tulare County Office of Education’s practice of collection and processing correspondence by mailing. Under that practice, mail is deposited with the U.S. Postal Service on the same day with postage fully prepaid at Visalia, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY TELECOPIER** – With the addressee(s)’ consent and agreement, I caused such document to be delivered by telecopy transmission to the addressee(s).

☐ **BY PERSONAL DELIVERY** – I caused such envelope to be delivered by hand to the addressee(s)

☐ **BY FEDERAL EXPRESS OR UPS NEXT DAY SERVICE** – I caused such envelope to be delivered to Federal Express or UPS with a fully prepaid airbill/invoice for next business day delivery to the addressee(s).

Executed on March 3, 2015, at Visalia, California.



Shelly DiCenzo

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING LAPSATION OF CITRUS SOUTH TULE SCHOOL DISTRICT INTO PORTERVILLE UNIFIED SCHOOL DISTRICT

NOTICE IS HEREBY GIVEN that the Tulare County Committee on School District Organization will hold a public hearing pursuant to resolutions approved by each school district in support of lapsation of Citrus South Tule School District into Porterville Unified School District and the State Board of Education-approved waiver of certain Education Code requirements.

The public hearing will be held at a special meeting of the Tulare County Committee on School District Organization on **MARCH 18, 2015 at 6:30 p.m.** at the following location:

**CITRUS SOUTH TULE SCHOOL DISTRICT - ROOM 215
31374 SUCCESS VALLEY DRIVE
PORTERVILLE, CALIFORNIA**

At the public hearing information will be provided concerning the lapsation of Citrus South Tule School District into Porterville Unified School District and other legal requirements. Any member of the public, and any representatives of the affected school districts, will be provided the opportunity to provide oral or written comments to the County Committee concerning the lapsation. This Notice is specifically provided to the public and to each member of the governing board of Citrus South Tule School District, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

At the conclusion of the Public Hearing, and at the same time and place (but in no case later than 30 days before the end of the school year), the County Committee intends to take final action to order the territory of Citrus South Tule School District annexed to the Porterville Unified School District as the County Committee determines to be in the best interest of the adjoining districts and the residents of the lapsed district and as required by Education Code section 35783, and to take such further action as necessary to effectuate this intent. The order of the County Committee attaching the territory of the lapsed Citrus South Tule School District to Porterville Unified School District shall be effective for all purposes on July 1 after the date of the order.

NOTICE IS FURTHER GIVEN that documentation concerning the lapsation, the proposed Order of Lapsation, and other supporting documentation are available to interested members of the public during normal business hours at the following locations:

Citrus South Tule School District
Attn: David Huchingson, Superintendent
31374 Success Valley Drive
Porterville CA 93257
Phone: 559-784-6333

Porterville Unified School District
Attn: John Snaveley, Ed.D., Superintendent
600 West Grand Avenue
Porterville CA 93257
Phone: 559-793-2455

Tulare County Committee on School District Organization
Attn: Jim Vidak, Ex-Officio Secretary
Physical Address: 2637 West Burrell Ave, Visalia CA 93291
Mailing Address: PO Box 5091, Visalia CA 93278-5091
Phone: 559-733-6301

Dated: March 2, 2015

TULARE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
By Jim Vidak, Ex Officio Secretary

Mar. 4 11

***In the Superior Court of the State of California
In and for the County of Tulare***

State of California

SS.

County of Tulare

Declarant says:

That at all times herein mentioned Declarant is and was a resident of said County of Tulare, over the age of twenty-one years; not a party to nor interested in the within matter; that Declarant is now and was at all times herein mentioned the Principal Clerk of the Porterville Recorder, a daily newspaper, which said newspaper was adjudged a newspaper of general circulation on October 15, 1951, by Superior Court Order No. 42369 as entered in Book 57 Page 384 of said Court; and that said newspaper is printed and published every day except Sunday published NOTICE OF PUBLIC HEARING in said newspaper MARCH 4, 2015 and that such publication was made in the regular issues of said paper (and not in any supplemental edition or extra there of). I declare under penalty of perjury that the forgoing is true and correct. Executed March 4, 2015 at Porterville, California.


Declarant

ENCLOSURE #4

ENCLOSURE #4



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

January 21, 2015

David Huchingson
Citrus South Tule Elementary School District
31374 Success Valley Dr.
Porterville, CA 93257

Dear Mr. Huchingson:

This letter serves as the official disposition notice of the waiver request submitted for consideration at the State Board of Education (SBE) meeting on January 14, 2015.

Waiver #: 22-10-2014-W-11 **Period Recommended:** 1/1/2015 to 1/1/2016

EC Section: portions of 35780 and 35782

EC Authority: 33050

Title: Request by **Citrus South Tule Elementary School District** to waive portions of California *Education Code* sections 35780 and 35782, which requires lapsation of a district with an average daily attendance of less than six.

Disposition: Approved

If you have any questions about this waiver request or need further assistance with waiver requests to the SBE, please call the California Department of Education Waiver Office at 916-319-0824.

Sincerely,

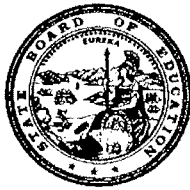
Christine Plumb-Gordon

Christine Plumb-Gordon, Consultant
Waiver Office

CPG:lm

ENCLOSURE #5

ENCLOSURE #5



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

☒ General Waiver

<p>SUBJECT</p> <p>Request by two school districts to waive portions of California <i>Education Code</i> sections 35780 and 35782, which require lapsation of a district with an average daily attendance of less than six.</p> <p>Waiver Numbers: Citrus South Tule Elementary School District 22-10-2014 Porterville Unified School District 7-10-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

The Citrus South Tule Elementary School District (ESD), in Tulare County, is a K–6 component district of the Porterville Unified School District (USD) with a current enrollment of 28 students. However, only two of these students are residents of the Citrus South Tule ESD with the remainder attending on inter-district transfers from the Porterville USD. The governing boards of both districts have approved resolutions to support lapsation of the Citrus South Tule ESD into the Porterville USD. The Tulare County Superintendent of Schools (County Superintendent) also supports the lapsation, noting that the Citrus South Tule ESD’s “long-term ability to operate” is questionable due to its precarious financial status. If the California State Board of Education (SBE) approves the waiver requests, the Citrus South Tule ESD will cease to exist as a component district and will become part of the Porterville USD effective July 1, 2015.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends that the SBE approve the requests by the Citrus South Tule ESD and the Porterville USD to waive portions of *EC* sections 35780 and 35782, regarding district lapsation.

SUMMARY OF KEY ISSUES

EC Section 35780 requires each county committee on school district organization (county committee) to “lapse” an elementary school district if that district’s average daily attendance (ADA) in first through eighth grade falls below six. The lapsation process requires the county committee to dissolve the district and annex the territory of the

lapsed district to one or more adjacent districts. *EC* Section 35782 requires that the county committee initiate the lapsation process within 45 days of the end of the school year.

Approval of the waiver requests will allow the Tulare County Committee to lapse the Citrus South Tule ESD even if the ADA in the district does not meet the conditions for mandatory lapsation as stated in *EC* Section 35780. Approval also will allow the Tulare County Committee to begin the lapsation process earlier than 45 days prior to the end of the school year.

Citrus South Tule ESD serves students in kindergarten through sixth grade. The first through sixth grade enrollment for the district is 28 according to the most current data provided by the school district. Of these 28 students, only two reside within the boundaries of the Citrus South Tule ESD. The other 26 students reside on the Tule River Indian Reservation, which is within the Porterville USD, and attend Citrus South Tule ESD on inter-district transfers.

The governing board of the Citrus South Tule ESD supports lapsation to:

- Improve financial viability for the Citrus South Tule Elementary School as the district believes it will be unable to maintain fiscal solvency beyond the current school year.
- Provide improved educational opportunity for students since inadequate funds and deficit spending currently are preventing the district from providing up-to-date curricular materials and technology.
- Provide district staff better staff development opportunities through the curricular, technological, and pedagogical expertise of the Porterville USD.

The Tulare County Superintendent supports the lapsation for fiscal reasons, noting that:

- The 2014–15 budget for the Citrus South Tule ESD reflects deficit spending.
- The district lost its necessary small school status in 2013–14.
- The Citrus South Tule ESD will face hardships in the future to cover expenditure increases, particularly increased rates for employee retirement benefits.
- Historically, attendance has been a factor in the district's inability to estimate funding with a reasonable degree of accuracy.

If the waiver requests are approved, the Citrus South Tule ESD will lapse and become a part of the Porterville USD. The districts will have additional time to plan for the consolidation of the districts as a result of waiving the requirement that the county committee wait until 45 days prior to the school year to initiate lapsation.

The CDE recommends that the SBE approve the requests by the Citrus South Tule ESD and the Porterville USD to waive portions of *EC* sections 35780 and 35782, regarding district lapsation. There has been no local opposition to the waiver request reported and the CDE has determined that none of the grounds specified in *EC* Section 33051(a) that authorize denial of a waiver, exist.

Demographic Information:

The Citrus South Tule ESD has a kindergarten through sixth grade student population of 28 and is located in a rural area of Tulare County.

The Porterville USD has a kindergarten through twelfth grade student population of 14,025 and is located in an urban area of Tulare County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar waivers—most recently for lapsation of the Cox Bar ESD into the Trinity Alps USD (Trinity County) at the March 2014 SBE meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency.

ATTACHMENT(S)

Attachment 1: Information from Districts Requesting Waivers of Conditions and Effective Dates for Lapsation (1 page)

Attachment 2: Citrus South Tule Elementary School District General Waiver Request 22-10-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Porterville Unified School District General Waiver Request 7-10-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Information from Districts Requesting Waivers of Conditions and Effective Dates for Lapsation

Portions of California *Education Code* sections 35780 and 35782

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
22-10-2014	Citrus South Tule Elementary School District	Requested: January 1, 2014, to December 31, 2014 Recommended: January 1, 2015, to January 1, 2016	Citrus South Tule Association of Teachers; Tracy Loehner, President; 9/29/14: Support Classified employees have no bargaining unit. However, all classified employees have been kept informed of the lapsation process and support the lapsation.	10/9/14	Notice in local newspaper (Porterville Recorder) on 10/1/14; notice posted at three locations in district from 9/29/14 through 10/9/14.	Reviewed by the Schools Site Council and the Parent Club: 10/3/14: No objections
7-10-2014	Porterville Unified School District	Requested and Recommended: January 1, 2015, to January 1, 2016	Porterville Educators' Association; Henry Franco, President; 9/24/14: Support California School Employees' Association; Raul Mangana, President; 9/24/14: Support	10/9/14	Notice in local newspaper (Porterville Recorder) on 9/27/14 and 10/2/14.	Reviewed by the District Advisory Committee and the District English Language Committee: 10/6/14: No objections

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5471845

Waiver Number: 22-10-2014

Active Year: 2014

Date In: 10/27/2014 1:55:57 PM

Local Education Agency: Citrus South Tule Elementary School District
Address: 31374 Success Valley Dr.
Porterville, CA 93257

Start: 1/1/2014

End: 12/31/2014

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Lapsation of a Small District

Ed Code Section: Portions of *EC* sections 35780 and 35782

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: § 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.

§ 35782. Public hearing; notice [As amended by AB 1599, Stats. 2014 Ch. 327, section 6, chaptered 9-15-14 and effective 1-1-15.

§ 35782. [Within 45 days before 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 of the hearing to each member of the governing

board of the lapsed district immediately before its lapsation, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

Outcome Rationale: The Citrus South Tule Elementary School District is in a rural area approximately 10 miles east of Porterville, California. The Citrus South Tule Elementary School District is within the boundaries of the Porterville Unified School District. Currently (10.27.2014), Citrus South Tule Elementary School has an enrollment of twenty-eight students. Of the twenty-eight enrolled students, two reside within the boundaries of the Citrus South Tule Elementary School District. The other twenty-six students reside on the Tule River Indian Reservation which is within the Porterville Unified School District boundaries. Students residing on the reservation come to the Citrus South Tule Elementary School by Inter-District Agreement(s) with the Porterville Unified School District. The decision to apply for a waiver is based on the inability of the Citrus South Tule Elementary School District to maintain fiscal solvency beyond the 2014-2015 school-year. In addition, the decision to apply for the waiver is driven by the district's desire to provide students with greater educational opportunity. Inadequate funds and deficit spending have prohibited the Citrus South Tule Elementary School District from providing the most up-to-date curricular materials and best practices training for staff that is needed to improve student performance. Academic Performance Index (API) scores from 2007 through 2013, place Citrus South Tule Elementary School District at or among the lowest performing schools within Tulare County. Little technology is available at Citrus South Tule Elementary School for student or staff use. The students at Citrus South Tule Elementary School were bused daily to and from the Towanits Indian Education Center on the Tule River Indian Reservation during the CAASPP/Smarter Balanced Test administration window because of inadequate technology available at the Citrus South Tule Elementary School.

The desired outcome of this waiver is to provide improved educational opportunity for students, more successful matriculation into grade 7 and beyond, financial viability, efficiency of district functions, allow for greater flexibility in student programs, and enhance the ability of Citrus South Tule Elementary School to continue to exist (as a school within the Porterville Unified School District) and to provide greater educational opportunity to students. Citrus South Tule Elementary School District students will benefit from the curricular and technological updates and enhancements provided by the Porterville Unified School District. The Citrus South Tule Elementary School staff will greatly benefit from the curricular, technological, and pedagogical expertise of the Porterville Unified School District

Student Population: 28

City Type: Rural

Public Hearing Date: 10/9/2014

Public Hearing Advertised: Porterville Recorder 10/01/2014, Public Posting (3 locations) beginning on 09/29/2014

Local Board Approval Date: 10/9/2014

Community Council Reviewed By: School Site Council, Parent Club
Community Council Reviewed Date: 10/3/2014

Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Huchingson
Position: Superintendent/Principal
E-mail: dhuchingson@gmail.com
Telephone: 559-784-6333
Fax: 559-784-0413

Bargaining Unit Date: 09/29/2014
Name: Citrus South Tule Association of Teachers
Representative: Tracy Loehner
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5475523

Waiver Number: 7-10-2014

Active Year: 2014

Date In: 10/10/2014 10:56:32 AM

Local Education Agency: Porterville Unified School District
Address: 600 West Grand Ave.
Porterville, CA 93257

Start: 1/1/2015

End: 1/1/2016

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Lapsation of a Small District
Ed Code Section: Portions of 35780 and 35782
Ed Code Authority: 33050

Ed Code or CCR to Waive: § 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.

§ 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.

Outcome Rationale: The Citrus South Tule School District (CST) has been informed by the Tulare County Office of Education that based on its current level of funding it will have enough funds to operate as a functioning school district only through the current 2014-2015 school year; possibly one more year. But it is clear that the District will have soon insufficient funds to operate or continue in existence on its own as a school district.

CST currently has an ADA of about 50 students, but almost all of them come from inter-district transfer from Porterville Unified. CST currently has only 2 students who actually live in the district, 5th graders, who once past 6th grade will be attending Porterville Unified anyway. (Although CST is a K-8 school, by long standing agreement its 7th and 8th grades attend schools in Porterville Unified.) Thus, within a year or two, the Citrus South Tule School would have no students attending who are actually residents of the district, as far as we know. The population of the district is less than 500, with only about half of which are registered voters.

Student Population: 14025

City Type: Urban

Public Hearing Date: 10/9/2014

Public Hearing Advertised: Porterville Recorder, 9/27/2014 and 10/2/2014

Local Board Approval Date: 10/9/2014

Community Council Reviewed By: District Advisory Committee and District English Language Committee

Community Council Reviewed Date: 10/6/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ken Gibbs

Position: Assistant Superintendent for Business Services

E-mail: kgibbs@portervilleschools.org

Telephone: 559-793-2450

Fax: 559-781-8386

Bargaining Unit Date: 09/24/2014

Name: Porterville Educators Association

Representative: Henry Franco

Title: President

Position: Support

Comments:

ENCLOSURE #6

ENCLOSURE #6

**BEFORE THE GOVERNING BOARD OF THE
CITRUS SOUTH TULE SCHOOL DISTRICT
OF TULARE COUNTY, CALIFORNIA**

In the Matter of Requesting a Waiver from the State Board of Education of portions of California Education Code sections 35780 and 35782, which requires lapsation of a district with an average daily attendance of less than six in grades one through 8 and imposes specified timelines, and supporting the lapsation of Citrus South Tule School District into Porterville Unified School District effective July 1, 2015

Resolution No. 2015-11

RECITALS

1. The Citrus South Tule School District is a K-8 school district that lies entirely within the territory of the Porterville Unified School District of Tulare County, California.
2. The Citrus South Tule School District currently has an enrollment of twenty-nine students, who all but two attend the district pursuant to an interdistrict Attendance agreement with Porterville Unified School District.
3. Based on current fiscal analysis, the Citrus South Tule School District will be unable to maintain fiscal solvency beyond the 2014-2015 school-year.
4. The Citrus South Tule School District and the Porterville Unified School District agree that this District should lapse into the Porterville Unified School District.
5. Both school districts desire to have the Tulare County Committee on School District Organization consider and adopt lapsation of the Citrus South Tule School District into Porterville Unified School District, effective July 1, 2015, in order to allow for improved matriculation, financial viability, efficiency of district office functions, ability to absorb fluctuations of student enrollment, to allow for flexibility in student programs, and to allow for an orderly transition of functions, instruction, property management, and personnel management.
6. Both school districts desire to seek a waiver from the State Board of Education of portions of California Education Code sections 35780 and 35782, as those statutes have been revised by the legislature and approved by the governor effective January 1, 2015, which otherwise would limit lapsation of a district to those with an average daily attendance of less than six in grades one through 8 and would impose inflexible timelines on the County Committee on School District Organization.

7. To obtain a waiver the District must comply with Education Code section 33051 and California Department of Education and State Board of Education regulations; and
 - a) The District must consult with all collective bargaining units; and
 - b) The District must consult with any advisory committee, as well as any other committees or councils with an interest in the waiver; and
 - c) The District must conduct a properly noticed public hearing, at which time the public may testify on the merits of obtaining a waiver from the State Board of Education; and
 - d) The District must submit a complete General Waiver Request form to the California Department of Education.
8. Both districts have already consulted with the bargaining units, advisory committees, and community groups identified in Education Code section 33051 in the development of the waiver application.
9. That on October 1, 2014, the District distributed a notice specifically inviting public testimony regarding the waiver, and said notice was printed in a newspaper of general circulation and posted at the Citrus South Tule School site and two other public locations within the district, and which included the date, time, location and subject of the hearing.
10. That on October 9, 2014, the District conducted a properly noticed public hearing held during a board meeting at which time the public was invited to testify on the waiver proposal.
11. The Citrus South Tule School District and Porterville Unified School District have not received opposition to the waiver or in having lapsation take effect in July 2015.

NOW, THEREFORE, BE IT RESOLVED as follows:

- A. The above recitals are true and correct.
- B. The Board hereby declares the Board's intention to seek a waiver of portions of California Education Code sections 35780 and 35782, as those statutes have been revised by the legislature and approved by the governor effective January 1, 2015.
- C. The District's Superintendent or his designee, is authorized and directed to submit a General Waiver Request to the California Department of Education, seeking a waiver of portions of California Education Code sections 35780 and 35782, as those statutes have been revised by the legislature and approved by the governor effective January 1, 2015, which otherwise would limit lapsation of a district to those with an average daily attendance of less than six in grades one

through 8, to waive the timelines for doing so, and to take all other actions necessary to carry out the this resolution and related procedures.

D. The District declares its support of lapsation of Citrus South Tule School District and requests the Tulare County Committee on School District Organization annex Citrus South Tule School District into Porterville Unified School District following all required procedures in accordance with the waiver.

THE FOREGOING RESOLUTION was adopted upon motion by
Trustee Susan Qualseth,
seconded by Trustee Janette Manning,
at a regular/special meeting held on October 9, 2014, by the following vote:

AYES: J Manning, S Qualseth, M Beer, J Dignam

NOES:

ABSENT:

I, Susan Qualseth, Clerk of the governing board of the Citrus South Tule School District, do hereby certify that the foregoing Resolution was duly passed and adopted by said Board, at an official and public meeting thereof, this 9th day of October, 2014.


Clerk, Board of Trustees

**BEFORE THE GOVERNING BOARD OF TRUSTEES
OF THE PORTERVILLE UNIFIED SCHOOL DISTRICT
TULARE COUNTY, STATE OF CALIFORNIA**

In the Matter of Requesting a Waiver from the State Board of Education of portions of California Education Code sections 35780 and 35782, which requires lapsation of a district with an average daily attendance of less than six in grades one through 8 and imposes specified timelines, and supporting the lapsation of Citrus South Tule School District into Porterville Unified School District effective July 1, 2015

RESOLUTION NO. 11

RECITALS

1. The Citrus South Tule School District is a K-8 school district that lies entirely within the territory of the Porterville Unified School District of Tulare County, California.
2. The Citrus South Tule School District currently has an enrollment of twenty-nine students, who all but two attend the district pursuant to an interdistrict Attendance agreement with Porterville Unified School District.
3. Based on current fiscal analysis, the Citrus South Tule School District will be unable to maintain fiscal solvency beyond the 2014-2015 school-year.
4. The Citrus South Tule School District and the Porterville Unified School District agree that this Citrus South Tule School District should lapse into the Porterville Unified School District.
5. Both school districts desire to have the Tulare County Committee on School District Organization consider and adopt lapsation of the Citrus South Tule School District into Porterville Unified School District, effective July 1, 2015, in order to allow for improved matriculation, financial viability, efficiency of district office functions, ability to absorb fluctuations of student enrollment, to allow for flexibility in student programs, and to allow for an orderly transition of functions, instruction, property management, and personnel management.
6. Both school districts desire to seek a waiver from the State Board of Education of portions of California Education Code sections 35780 and 35782, as those statutes have been revised by the legislature and approved by the governor effective January 1, 2015, which otherwise would limit lapsation of a district to those with an average daily attendance of less than six in grades one through 8 and would impose inflexible timelines on the County Committee on School District Organization.
7. To obtain a waiver the districts must comply with Education Code section 33051 and California Department of Education and State Board of Education regulations; and

- a) The Porterville Unified School District must consult with all collective bargaining units; and
 - b) The Porterville Unified School District must consult with any advisory committee, as well as any other committees or councils with an interest in the waiver; and
 - c) The Porterville Unified School District must conduct a properly noticed public hearing, at which time the public may testify on the merits of obtaining a waiver from the State Board of Education; and
 - d) The Porterville Unified School District must submit a complete General Waiver Request form to the California Department of Education.
8. Both districts have already consulted with the bargaining units, advisory committees, and community groups identified in Education Code section 33051 in the development of the waiver application.
9. That on September 26, 2014, and October 2, 2014, the Porterville Unified School District distributed a notice specifically inviting public testimony regarding the waiver, and said notice was printed in a newspaper of general circulation and posted at Porterville Unified School District Office, which included the date, time, location and subject of the hearing.
10. That on October 9, 2014, the Porterville Unified School District conducted a properly noticed public hearing held during a board meeting at which time the public was invited to testify on the waiver proposal.
11. The Citrus South Tule School District and Porterville Unified School District have not received opposition to the waiver or in having lapsation take effect in July 2015.

NOW, THEREFORE, BE IT RESOLVED as follows:

- A. The above recitals are true and correct.
- B. The Board hereby declares the Board's intention to seek a waiver of portions of California Education Code sections 35780 and 35782, as those statutes have been revised by the legislature and approved by the governor effective January 1, 2015.
- C. The Porterville Unified School District's Superintendent or his designee, is authorized and directed to submit a General Waiver Request to the California Department of Education, seeking a waiver of portions of California Education Code sections 35780 and 35782, as those statutes have been revised by the legislature and approved by the governor effective January 1, 2015, which otherwise would limit lapsation of a district to those with an average daily attendance of less than six in grades one through 8, to waive the timelines for doing so, and to take all other actions necessary to carry out the this resolution and related procedures.

D. The Porterville Unified School District declares its support of lapsation of Citrus South Tule School District and requests the Tulare County Committee on School District Organization annex Citrus South Tule School District into Porterville Unified School District following all required procedures in accordance with the waiver.

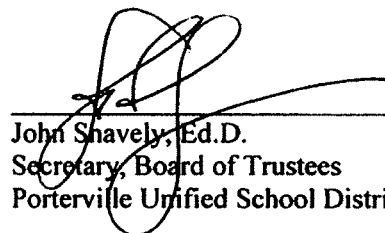
THE FOREGOING RESOLUTION was adopted upon motion by Trustee Richard Morris, seconded by Trustee Hayley Buettner, at a regular held on October 9, 2014, by the following vote:

AYES: Hayley Buettner, David DePaoli, Lillian Durbin, Pete Lara, Richard Morris

NOES: none

ABSENT: Pat Contreras Garcia, Sharon Gill

I, John Snavelly, Secretary of the Governing Board of the Porterville Unified School District, do hereby certify that the foregoing resolution was duly passed and adopted by said Board, at an official and public meeting thereof, this 9th day of October 2014.



John Snavelly, Ed.D.
Secretary, Board of Trustees
Porterville Unified School District

ENCLOSURE #7

ENCLOSURE #7

Tulare County Office of Education

Committed to Students, Support and Service

Jim Vidak

County
Superintendent
of Schools

2637 W. Burrel Ave.
P.O. Box 5091
Visalia, California
93278-5091

(559) 733-6300
www.tcoe.org

Administration

(559) 733-6301
fax (559) 627-5219

Business Services

(559) 733-6312
fax (559) 737-4378

Human Resources

(559) 733-6306
fax (559) 627-4670

**Instructional
Services**

(559) 733-6328
fax (559) 737-4378

Special Services

(559) 730-2910
fax (559) 730-2511

September 26, 2014

California State Board of Education
1430 N Street, Suite 5111
Sacramento, CA 95814

Subject: Financial Update - Citrus South Tule Elementary

Dear Members of the State Board of Education:

The following information is provided as an explanation of the fiscal reasons for the proposed lapsation of Citrus South Tule School District into Porterville Unified School District in Tulare County.

Citrus ended the Fiscal Year 2013-14 with an Unrestricted General Fund balance of \$199,805.24, which is \$42,259.67 higher than what was projected at adoption of its 2014-15 budget. The higher balance resulted primarily from unbudgeted forest reserve funding, and reduced contributions necessary to support restricted programs.

The district's 2014-15 adopted budget reflected unrestricted general fund deficit spending of \$71,258. To address the deficit spending, the district proposes to reduce teaching staff to two teachers serving grades K through 6, with a corresponding reduction down to only two teacher's aides. While these cost reductions project out short term reserve balances, the long-term ability to operate with only two teachers and no capital expenditures is questionable.

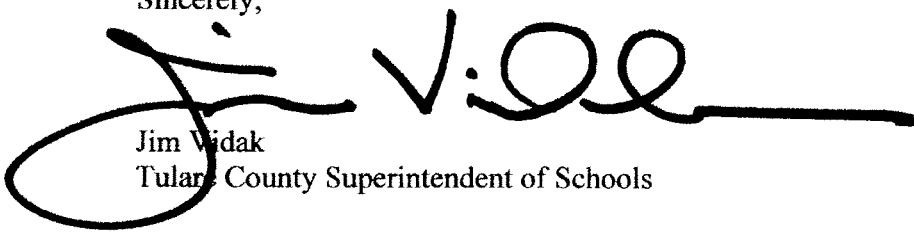
In 2013-14 Citrus lost its necessary small school status as a result of new qualifying mileage requirements. The district will continue to be funded close to levels received during 2012-13 under the Local Control Funding Formula (LCFF) Minimum State Aid provision. The district, however, will be virtually capped at its current funding level for the foreseeable future since per ADA funding is significantly less than the Minimum State Aid provision.

An additional hardship for the district in the future will be to cover expenditure increases, such as increased STRS and PERS rates, while a greater percentage of its funding will be subject to the constraints of the Local Control Accountability Plan (LCAP). When LCFF funding eventually reaches full Target levels, the district will spend approximately 28 percent of its LCFF funding, as determined through the LCAP process. For fiscal year 2014-15, funding for supplemental and concentration grants is only 11 percent.

Historically, attendance has been a factor in the district's inability to estimate funding with a reasonable degree of accuracy. While this is not as important now under the LCFF Minimum State Aid provision, it still impacts the district's ability to plan for and keep in place resources needed for its educational program. For instance, the district 2014-15 adopted budget is based on Average Daily Attendance (ADA) of 42.46. The district has indicated enrollment is now at 30 students. Of these 30 students all but 2 students attend the district under inter-district attendance agreements.

Thank you for your time and consideration regarding this matter.

Sincerely,



Jim Widak
Tulare County Superintendent of Schools

JV/sd

ENCLOSURE #8

ENCLOSURE #8

**BEFORE THE BOARD OF TRUSTEES
OF THE CITRUS SOUTH TULE SCHOOL DISTRICT, THE PORTERVILLE
UNIFIED SCHOOL DISTRICT, AND THE TULARE COUNTY SUPERINTENDENT
OF SCHOOLS
TULARE COUNTY, STATE OF CALIFORNIA**

Joint Resolution in support of the Citrus South Tule School
District's Request, to the California State Board of Education, to
waive parts of the California Education Code to allow lapsation of
the Citrus South Tule School District, and annexation of all of its
territory into the Porterville Unified School District

and

Joint Resolution in support of lapsation of the Citrus South Tule
School District, and annexation of all of its territory into the
Porterville Unified School District.

RESOLUTION 2015-09

RECITALS

1. Pursuant to California Education Code section 33050, the governing board of a school district may request the California State Board of Education to waive all or part of the California Education Code relating to lapsation of a school district.
2. The Citrus South Tule School District is a component district of the Porterville Unified School District.
3. The Citrus South Tule School District has been informed by the Tulare County Superintendent of Schools that based on its current level of funding it will have enough funds to operate as a functioning school district only through the current 2014-2015 school year; possibly one more year. But it is clear that the District will have soon have insufficient funds to operate or continue in existence on its own as a school district.
4. The Citrus South Tule School District currently has an average daily attendance of approximately 30 students, but almost all of them come from inter-district transfer from Porterville Unified School District. Although Citrus South Tule is a K-8 school, by long-standing agreement, its 7th and 8th graders attend schools in Porterville

Unified School District. The district currently has only 2 students whose residency is actually within the district boundaries. These students, currently 5th graders, will attend Porterville Unified School District once past 6th grade. Thus, within a year or two, the Citrus South Tule School would have no students attending who are actually residents of the district. The remaining students do not have residency within the district, and so would otherwise attend Porterville Unified School District.

5. The Citrus South Tule School District is requesting that the California State Board of Education waive parts of the California Education Code to allow lapsation of the Citrus South Tule School District and annexation of its territory into the Porterville Unified School District effective the date of the order of the Tulare County Committee on School Organization pursuant to Education Code sections 35782 through 35786.
6. The resulting annexation will provide the following benefits: (a) Improve the efficiency of all services, leading to improved fiscal solvency and district management; (b) Advance a coordinated and integrated educational curriculum from Preschool through 12th grade; (c) Enhance core educational programs and other events and activities for all students grades Preschool-12; (d) Increase programmatic and extracurricular opportunities for students; (e) Encourage improved coordination of services and better staffing for the benefit of students.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The above recitals are true and correct.
2. The undersigned support the Citrus South Tule School District request, to the California State Board of Education, to waive parts of the California Education Code to allow lapsation of the Citrus South Tule School District, and annexation of its territory into the Porterville Unified School District effective the date of the order of the Tulare County Committee on School Organization pursuant to Education Code sections 35782 through 35786.
3. The District Superintendents of the Citrus South Tule School District and the Porterville Unified School District, or either of them, or their designees, are hereby authorized and directed to conduct all legally required hearings and consultations for the waiver process, and to file and support said waiver application.

4. The District Superintendents of the Citrus South Tule School District, the Porterville Unified School District, and the Tulare County Superintendent of Schools, and their designees, are hereby authorized and directed to send a copy of this Resolution to the Tulare County Committee on School Organization, and to work with the County Committee and the County Office of Education to conduct all legally required hearings and consultations, and to complete all other acts necessary to implement the lapsation of the Citrus South Tule School District and annexation of its territory into the Porterville Unified School District
5. The District Superintendents of all of the affected school districts, the County Superintendent, and their designees, are hereby authorized and directed to take any other actions necessary to effectuate the purposes of this Joint Resolution.

**BEFORE THE BOARD OF TRUSTEES
OF THE CITRUS SOUTH TULE SCHOOL DISTRICT**

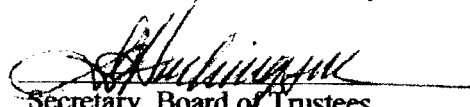
THE FOREGOING JOINT RESOLUTION was adopted upon motion by Trustee Jane Dignam, seconded by Trustee Jan Maning, at a regular/special meeting held on Tuesday, September 9, 2014, by the following vote:

AYES: Jan Manning, Jane Dignam, Melinda Beer, Susan Qualseth

NOES:

ABSENT: Teeters

I, David Huchingson, secretary of the governing board of the Citrus South Tule School District, do hereby certify that the foregoing Resolution was duly passed and adopted by said Board, at an official and public meeting thereof, this 9th day of September, 2014.


Secretary, Board of Trustees
Citrus South Tule School District

**BEFORE THE BOARD OF TRUSTEES
OF THE PORTERVILLE UNIFIED SCHOOL DISTRICT**

THE FOREGOING JOINT RESOLUTION was adopted upon motion by Trustee _____, seconded by Trustee _____, at a regular/special meeting held on _____, 2014, by the following vote:

AYES:

NOES:

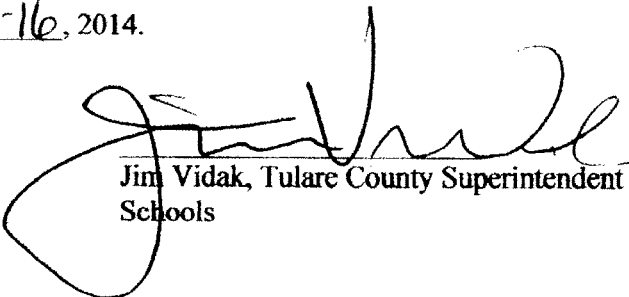
ABSENT:

I, _____, secretary of the governing board of the Porterville Unified School District, do hereby certify that the foregoing Joint Resolution was duly passed and adopted by said Board, at an official and public meeting thereof, this _____ day of _____, 2014.

Secretary, Board of Trustees
Porterville Unified School District

BEFORE THE TULARE COUNTY SUPERINTENDENT OF SCHOOLS

THE FOREGOING JOINT RESOLUTION was adopted by Jim Vidak, Tulare County Superintendent of Schools on 9-16, 2014.



Jim Vidak, Tulare County Superintendent of
Schools

HWV/9/4/2014/20121703/700961

**BEFORE THE BOARD OF TRUSTEES
OF THE CITRUS SOUTH TULE SCHOOL DISTRICT, THE PORTERVILLE
UNIFIED SCHOOL DISTRICT, AND THE TULARE COUNTY SUPERINTENDENT
OF SCHOOLS
TULARE COUNTY, STATE OF CALIFORNIA**

RESOLUTION NO. 9

Joint Resolution in support of the Citrus South Tule School District's Request,
to the California State Board of Education, to waive parts of the California
Education Code to allow lapsation of the Citrus South Tule School District,
and annexation of all of its territory into the Porterville Unified School District
and

Joint Resolution in support of lapsation of the Citrus South Tule School
District, and annexation of all of its territory into the Porterville Unified
School District.

RECITALS

1. Pursuant to California Education Code section 33050, the governing board of a school district may request the California State Board of Education to waive all or part of the California Education Code relating to lapsation of a school district.
2. The Citrus South Tule School District is a component district of the Porterville Unified School District.
3. The Citrus South Tule School District has been informed by the Tulare County Superintendent of Schools that based on its current level of funding it will have enough funds to operate as a functioning school district only through the current 2014-2015 school year; possibly one more year. But it is clear that the District will soon have insufficient funds to operate or continue in existence on its own as a school district.
4. The Citrus South Tule School District currently has an average daily attendance of approximately 42 students, but almost all of them come from inter-district transfer from Porterville Unified School District. Although Citrus South Tule is a K-8 school, by long-standing agreement, its 7th and 8th graders attend schools in Porterville Unified School District. The district currently has only 2 students whose residency is actually within the district boundaries. These students, currently 5th graders, will attend Porterville Unified School District once past 6th grade. Thus, within a year or two, the Citrus South Tule School would have no students attending who are actually residents of the district. The remaining students do not have residency within the district, and so would otherwise attend Porterville Unified School District.
5. The Citrus South Tule School District is requesting that the California State Board of Education waive parts of the California Education Code to allow lapsation of the Citrus South

Tule School District and annexation of its territory into the Porterville Unified School District effective the date of the order of the Tulare County Committee on School Organization pursuant to Education Code sections 35782 through 35786.

6. The resulting annexation will provide the following benefits: (a) Improve the efficiency of all services, leading to improved fiscal solvency and district management; (b) Advance a coordinated and integrated educational curriculum from Preschool through 12th grade; (c) Enhance core educational programs and other events and activities for all students grades Preschool-12; (d) Increase programmatic and extracurricular opportunities for students; (e) Encourage improved coordination of services and better staffing for the benefit of students.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The above recitals are true and correct.
2. The undersigned support the Citrus South Tule School District request, to the California State Board of Education, to waive parts of the California Education Code to allow lapsation of the Citrus South Tule School District, and annexation of its territory into the Porterville Unified School District effective the date of the order of the Tulare County Committee on School Organization pursuant to Education Code sections 35782 through 35786.
3. The District Superintendents of the Citrus South Tule School District and the Porterville Unified School District, or either of them, or their designees, are hereby authorized and directed to conduct all legally required hearings and consultations for the waiver process, and to file and support said waiver application.
4. The District Superintendents of the Citrus South Tule School District, the Porterville Unified School District, and the Tulare County Superintendent of Schools, and their designees, are hereby authorized and directed to send a copy of this Resolution to the Tulare County Committee on School Organization, and to work with the County Committee and the County Office of Education to conduct all legally required hearings and consultations, and to complete all other acts necessary to implement the lapsation of the Citrus South Tule School District and annexation of its territory into the Porterville Unified School District
5. The District Superintendents of affected school districts, the County Superintendent, and their designees, are hereby authorized and directed to take any other actions necessary to effectuate the purposes of this Joint Resolution.

**BEFORE THE BOARD OF TRUSTEES
OF THE CITRUS SOUTH TULE SCHOOL DISTRICT**

THE FOREGOING JOINT RESOLUTION was adopted upon motion by Trustee _____, seconded by Trustee _____, at a regular/special meeting held on _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

I, _____, secretary of the governing board of the Citrus South Tule School District, do hereby certify that the foregoing Resolution was duly passed and adopted by said Board, at an official and public meeting thereof, this ____ day of _____, 2014.

Secretary, Board of Trustees
Citrus South Tule School District

**BEFORE THE BOARD OF TRUSTEES
OF THE PORTERVILLE UNIFIED SCHOOL DISTRICT**

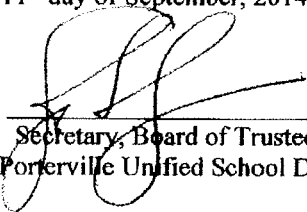
THE FOREGOING JOINT RESOLUTION was adopted upon motion by Trustee Hayley Buettner, seconded by Trustee Pat Garcia Contreras, at a regular meeting held on September 11, 2014, by the following vote:

AYES: Hayley Buettner, David DePaoli, Pat Garcia Contreras, Sharon Gill,
Pete Lara, Richard Morris

NOES: None

ABSENT: Lillian Durbin

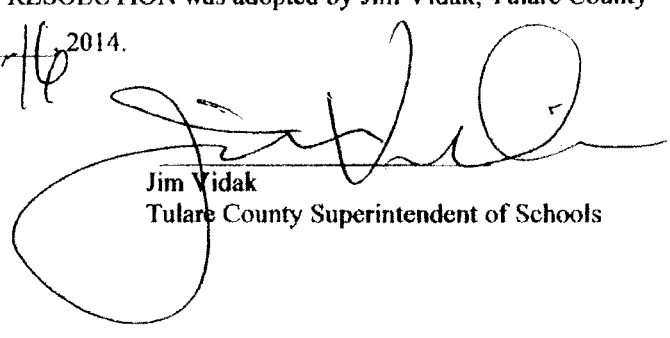
I, John Snavelly, Secretary of the Governing Board of the Porterville Unified School District, do hereby certify that the foregoing Joint Resolution was duly passed and adopted by said Board, at an official and public meeting thereof, this 11th day of September, 2014.



Secretary, Board of Trustees
Porterville Unified School District

BEFORE THE TULARE COUNTY SUPERINTENDENT OF SCHOOLS

THE FOREGOING JOINT RESOLUTION was adopted by Jim Vidak, Tulare County
Superintendent of Schools on 9/16 2014.



Jim Vidak
Tulare County Superintendent of Schools

NSA
Resolutions 2014-2015
Resol # - Citrus So. Tule - Legislation