

RESOLUTION 2019/20 NO. 767

RESOLUTION OF THE BOARD OF TRUSTEES OF THE
LOWELL JOINT SCHOOL DISTRICT OF LOS ANGELES AND ORANGE COUNTIES,
CALIFORNIA, FOR THE PURPOSE OF ORDERING AN ELECTION TO
TRANSFER JURISDICTION OVER THE LOWELL JOINT SCHOOL DISTRICT FROM
THE LOS ANGELES COUNTY OFFICE OF EDUCATION TO THE ORANGE COUNTY
DEPARTMENT OF EDUCATION AND REQUESTING CONSOLIDATION WITH
OTHER ELECTIONS OCCURRING ON MARCH 3, 2020

WHEREAS, the Lowell Joint School District (the "District"), located in the County of Los Angeles ("Los Angeles County") and in the County of Orange ("Orange County") and was established in 1906 and is committed to providing students with a well-balanced educational program that nurtures academic growth in a safe, modern environment; and

WHEREAS, the Lowell Joint School District (LJSD) is an elementary school district with approximately 3,200 students attending grades TK through 8 is currently under the jurisdiction of the Los Angeles County Office of Education (LACOE) for administrative support; and

WHEREAS, the schools within the District empower students to achieve success and expand learning beyond the walls of the classroom; and

WHEREAS, LJSD has three schools located in Orange County and three schools located in Los Angeles County and is the only district in Orange County where district boundaries cross county lines, with schools in both counties; and

WHEREAS, the majority of LJSD students reside in Orange County and regardless of the student's county of residence, 99% of all students attending LJSD schools matriculate to high schools operated by the Fullerton Joint Union High School District (FJUHSD), whose boundaries are wholly within the jurisdiction of the Orange County Superintendent of Schools and the Orange County Department of Education (collectively OCDE); and

WHEREAS, the Parent Teacher Association for the LJSD is a member of the North Orange County Council, which includes the FJUHSD, where all students and parents matriculate to, thereby, providing a comprehensive-systemic transition for families; and

WHEREAS, Education Code section 1253(a) establishes that a school district situated partly within two or more counties falls within the jurisdiction of the county superintendent of schools of the county in which the schoolhouse of the district is located or if the schoolhouse of the district is in each of two or more counties, jurisdiction of the district is in the county superintendent of schools of the county in which the greatest area of the district lies; and

WHEREAS, Education Code section 1253(b) authorizes the Board of Trustees of the Lowell Joint School District to submit a proposal to the electorate on the proposition to change jurisdiction from the Los Angeles County Office Education to Orange County Department of Education; and

WHEREAS, the Board of Trustees (the "Board") of the Lowell Joint School District (the "District"), located primarily in the County of Los Angeles ("Los Angeles County") and partially in the County of Orange ("Orange County" and together with Los Angeles County, the "Counties"), is

authorized to order elections within the District and to designate the specifications thereof, pursuant to Sections 5304 and 5322 of the California Education Code (the "Education Code"); and

WHEREAS, Section 5303 of the Education Code provides that in an election to be conducted in a district situated in two or more counties, the county elections officials in the counties in which any part of the district territory is situated, shall, by mutual agreement, provide for the performance of the duties incident to the preparation for and holding of all district elections; and

WHEREAS, the Board understands that the Registrar of Voters of Los Angeles County (the "Los Angeles County Registrar of Voters") shall bear primary responsibility for conducting the election; and

WHEREAS, the District desires to request that the Los Angeles County Registrar of Voters (the "Los Angeles County Registrar of Voters") and the Registrar of Voters of Orange County together the "Registrars of Voters") come to a mutual agreement for the performance of such election official duties in connection with the proposition to be submitted to the voters in compliance with Section 5303 of the Education Code; and

WHEREAS, Education Code section 1253(b) indicates the jurisdiction once established over a school district situated in two or more counties shall not be changed except by majority of the votes cast by the electors within the district on the proposition for change of such jurisdiction submitted at election; and

WHEREAS, Education Code section 5304 authorizes the Board of Trustees of the Lowell Joint School District to order an election as authorized by the Education Code; and

WHEREAS, Education Code section 5322 authorizes the Board of Trustees of the Lowell Joint School District, to create the specifications of the elections order as authorized by the Education Code.

WHEREAS, on March 3, 2020, a statewide primary election is scheduled to be conducted throughout the District; and

WHEREAS, the Board now desires to order the calling of an election within the boundaries of the District on March 3, 2020, for purpose of submitting to the electorate within the District a proposition to change jurisdiction over the District from the Los Angeles County Superintendent of Schools to the Orange County Superintendent of Schools pursuant to Education Code Section 1253(b) and to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees for the Lowell Joint School District pursuant to Education Code sections 1253, 5304 and 5322, as follows:

Section 1. Recitals. All of the above recitals are true and correct.

Section 2. Specifications of Election Order; Required Certification. Pursuant to Education Code Sections 5304, 5322 and 1253(b), a special election shall be held within the boundaries of the District on March 3, 2020. The matter of a change in jurisdiction from Los Angeles County Superintendent of Schools to the Orange County Superintendent of Schools be submitted to the electors of the school district and consolidated with other elections occurring on March 3, 2020 as an official ballot measure with the following text:

Lowell Joint School District Special Election

SCHOOL DISTRICT TRANSFER OF JURISDICTION

"In order to maintain consistency and education curriculum for families, students and staff in our local elementary and middle schools with the feeder high school district, and permanently save the District nearly \$250,000 annually, shall Lowell Joint School District permanently transfer its current jurisdiction and administrative oversight from Los Angeles County Superintendent of Schools to Orange County Superintendent of Schools?"

YES _____
NO _____

Section 3. Conduct of Election.

- (a) *Request to County Officers.* Pursuant to Section 5303 of the Education Code, the Registrars of Voters are required to, and are hereby requested to, take all steps to hold the election in accordance with law and these specifications. The District hereby further requests that the Los Angeles County Registrar of Voters and the Orange County Registrar of Voters come to a mutual agreement for the performance of elections clerk duties in connection with the proposition in compliance with Section 5303 of the Education Code.
- (b) *Consolidation Requirement.* Pursuant to Part 3 (commencing with Section 10400) of Division 10 of the California Elections Code (the "Elections Code"), the election shall be consolidated with the statewide primary election on March 3, 2020, and pursuant to Education Code Section 5342 and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the Registrars of Voters and the Board of Supervisors of the Counties are hereby requested to order consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same. The District hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed by Section 10418 of the Elections Code.
- (c) *Canvass of Results.* The Board of Supervisors of each of the Counties is authorized and requested to canvass the returns of the election, pursuant to Section 10411 of the Elections Code.
- (d) *Required Vote.* Pursuant to Section 1253(b) of the Education Code, the proposition shall become effective upon the affirmative vote of a majority of those electors voting on the proposition.
- (e) *Election Costs.* The District shall pay all costs of the election approved by the Board of Supervisors of each of the Counties pursuant to Education Code Section 5421.

Section 4. Delivery of Order of Election to County Officers. The Clerk of the Board of the District is hereby directed to cause to be filed as soon as practicable, and in any event no later than December 6, 2019 (which date is not fewer than 88 days prior to the date set for the election), one copy of this Resolution to each of the Registrar of Voters, and shall file

a copy of this Resolution with the Clerk of the Board of Supervisors of each of the Counties.

Section 5. Ballot Arguments. The President of the Board, or any member or members of the Board as the President shall designate, are hereby authorized, but not directed, to prepare and file with each of the Registrar of Voters a ballot argument in favor of the proposition, within the time established by the Registrars of Voters, which shall be considered the official ballot argument of the Board as sponsor of the proposition.

Section 6. Further Authorization. The members of the Board, the Superintendent of the District, and all other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this resolution in accordance with the terms hereof and of applicable provisions of law.

Section 6. Resolution 2019/20 No. 765. This Resolution is intended to supersede and replace Resolution 2019/20 No. 765 adopted by the Board on November 4, 2019.

Section 7. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Board of Trustees of the Lowell Joint School District this 2nd day of December, 2019, by the following vote:

AYES: Anastasia M. Shackelford, Fred W. Schambeck William A. Hinz, Melissa A. Salinas, Karen I. Shaw

NOES: None

ABSTAIN: None

ABSENT: None

I, Jim Coombs, Secretary to the Board of Trustees of the Lowell Joint School District of Los Angeles and Orange Counties, California, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board of Trustees at a regular meeting thereof held on the 2nd day of December, 2019, and passed by a unanimous vote of those present.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of December, 2019.

Jim Coombs, Secretary to the Board of Trustees

EXHIBIT A

FULL TEXT OF PROPOSITION

LOWELL JOINT SCHOOL DISTRICT STUDENT AND FAMILY SUPPORT JURISDICTIONAL MEASURE

This proposition may be known and referred to as the "Lowell Joint School District Student and Family Support Jurisdictional Measure" or as "Measure_". [*designation to be assigned by County Registrar of Voters*]

The Lowell Joint School District ("District") is currently under the jurisdiction of the Los Angeles County Office of Education ("LACOE") for administrative support. Currently the District has three schools located in Orange County and three schools located in LA County and is the only District in Orange County that has shared boundaries across county lines with schools in both Counties.

The majority of District students reside in Orange County, and regardless of the students county of residence, 99% of all students attending the District go on to attend high schools operated by the Fullerton Joint Union High School District ("Fullerton JUHSD"), whose boundaries are within the jurisdiction of the Orange County Superintendent of Schools and the Orange County Department of Education ("Orange County DOE").

transferred to the jurisdiction of the Orange County Department of Education.

AUTHORIZATION

By approval of this proposition by a majority of the voters of the Lowell Joint School District (the "District") voting on the proposition, the District shall be authorized to formally change jurisdiction from Los Angeles County Office of Education to the Orange County Department of Education.

GENERAL PROVISIONS

Severability. If any provision of this proposition, or part thereof, is for any reason held by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this proposition are severable.

Headings. The headings or titles of the sections of the proposition, are solely for convenience of reference and shall not affect the meaning, construction or effect of the proposition.

EXHIBIT B

SHORT FORM OF MEASURE

In order to maintain consistency and education curriculum for families, students and staff in our local elementary and middle schools with the feeder high school district, and permanently save the District nearly \$250,000 annually, shall Lowell Joint School District permanently transfer its current jurisdiction and oversight from Los Angeles County Office of Education to Orange County Department of Education?

What your votes means:

YES

If a majority of the voters within the District voting on the measure vote "yes", the District may proceed to transfer jurisdiction and oversight to the Orange County Department of Education.

NO

A "no" vote on this measure will disapprove the transfer of jurisdiction and oversight of the District to Orange County Department of Education.