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HOUSE BILL 2635

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State of Washington

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By Representative Quall

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1 AN ACT Relating to school district boundaries and organization;  
2 amending RCW 28A.315.195, 28A.315.205, 28A.315.085, 28A.315.105,  
3 28A.315.165, 28A.323.020, and 28A.343.070; adding a new section to  
4 chapter 28A.315 RCW; recodifying RCW 28A.323.020; and repealing RCW  
5 28A.315.125, 28A.315.135, 28A.315.145, and 28A.323.030.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 28A.315.195 and 2006 c 263 s 502 are each amended to  
8 read as follows:

9 (1) A proposed change in school district organization by transfer  
10 of territory from one school district to another may be initiated by a  
11 petition in writing presented to the educational service district  
12 superintendent:

13 (a) Signed by at least fifty percent plus one of the active  
14 registered voters residing in the territory proposed to be transferred;  
15 or

16 (b) Signed by a majority of the members of the board of directors  
17 of one of the districts affected by a proposed transfer of territory,  
18 except that if the territory proposed to be transferred is zoned for

1 residential or mixed-use development and there are occupied dwellings  
2 in the territory, a petition may only be initiated under (a) of this  
3 subsection.

4 (2) The petition shall state the name and number of each district  
5 affected, describe the boundaries of the territory proposed to be  
6 transferred, and state the reasons for desiring the change and the  
7 number of children of school age, if any, residing in the territory.

8 (3) The educational service district superintendent shall not  
9 complete any transfer of territory under this section that involves ten  
10 percent or more of the common school student population of the entire  
11 district from which the transfer is proposed, unless the educational  
12 service district superintendent has first called and held a special  
13 election of the voters of the entire school district from which the  
14 transfer of territory is proposed. The purpose of the election is to  
15 afford those voters an opportunity to approve or reject the proposed  
16 transfer. A simple majority shall determine approval or rejection.

17 (4) The superintendent of public instruction may establish rules  
18 limiting the frequency of petitions that may be filed pertaining to  
19 territory included in whole or in part in a previous petition.

20 (5) Upon receipt of the petition, the educational service district  
21 superintendent shall notify in writing the affected districts that:

22 (a) Each school district board of directors, whether or not  
23 initiating a proposed transfer of territory, is required to enter into  
24 negotiations with the affected district or districts;

25 (b) In the case of a citizen-initiated petition, the affected  
26 districts must negotiate on the entire proposed transfer of territory;

27 (c) The districts have ninety calendar days in which to agree to  
28 the proposed transfer of territory;

29 (d) The districts may request and shall be granted by the  
30 educational service district superintendent one thirty-day extension to  
31 try to reach agreement; and

32 (e) Any district involved in the negotiations may at any time  
33 during the ninety-day period notify the educational service district  
34 superintendent in writing that agreement will not be possible.

35 (6) If the negotiating school boards cannot come to agreement about  
36 the proposed transfer of territory, the educational service district  
37 superintendent, if requested by the affected districts, shall appoint

1 a mediator. The mediator has thirty days to work with the affected  
2 school districts to see if an agreement can be reached on the proposed  
3 transfer of territory.

4 (7) If the affected school districts cannot come to agreement about  
5 the proposed transfer of territory, and the districts do not request  
6 the services of a mediator or the mediator was unable to bring the  
7 districts to agreement, either district may file with the educational  
8 service district superintendent a written request for a hearing by the  
9 regional committee.

10 (8) If the affected school districts cannot come to agreement about  
11 the proposed transfer of territory initiated by citizen petition, and  
12 the districts do not request the services of a mediator or the mediator  
13 was unable to bring the districts to agreement, the district in which  
14 the citizens who filed the petition reside shall file with the  
15 educational service district superintendent a written request for a  
16 hearing by the regional committee, unless a majority of the citizen  
17 petitioners request otherwise.

18 (9) Upon receipt of a notice under subsection (7) or (8) of this  
19 section, the educational service district superintendent shall notify  
20 the chair of the regional committee in writing within ten days.

21 (10) Costs incurred by school districts under this section shall be  
22 reimbursed by the state from such funds as are appropriated for this  
23 purpose.

24 **Sec. 2.** RCW 28A.315.205 and 2006 c 263 s 503 are each amended to  
25 read as follows:

26 (1) The chair of the regional committee shall schedule a hearing on  
27 the proposed transfer of territory at a location in the educational  
28 service district within sixty calendar days of being notified under RCW  
29 28A.315.195 (7) or (8).

30 (2) Within thirty calendar days of the hearing under subsection (1)  
31 of this section, or final hearing if more than one is held by the  
32 committee, the committee shall issue its written findings and decision  
33 to approve or disapprove the proposed transfer of territory. The  
34 educational service district superintendent shall transmit a copy of  
35 the committee's decision to the superintendents of the affected school  
36 districts within ten calendar days.

1 (3) In carrying out the purposes of RCW 28A.315.015 and in making  
2 decisions as authorized under RCW 28A.315.095(1), the regional  
3 committee shall base its judgment upon whether and to the extent the  
4 proposed change in school district organization complies with RCW  
5 28A.315.015(2) and rules adopted by the superintendent of public  
6 instruction under chapter 34.05 RCW.

7 (4) The rules under subsection (3) of this section shall provide  
8 for giving consideration to all of the following:

9 (a) Student educational opportunities as measured by the percentage  
10 of students performing at each level of the statewide mandated  
11 assessments and data regarding student attendance, graduation, and  
12 dropout rates;

13 (b) The safety and welfare of pupils. For the purposes of this  
14 subsection, "safety" means freedom or protection from danger, injury,  
15 or damage and "welfare" means a positive condition or influence  
16 regarding health, character, and well-being;

17 (c) The history and relationship of the property affected to the  
18 students and communities affected, including, for example, ~~((inclusion  
19 within a single school district, for school attendance and  
20 corresponding tax support purposes, of entire master planned  
21 communities that were or are to be developed pursuant to an integrated  
22 commercial and residential development plan with over one thousand  
23 dwelling units))~~ the impact of the growth management act and current or  
24 proposed urban growth areas, city boundaries, and master planned  
25 communities;

26 (d) Whether or not geographic accessibility warrants a favorable  
27 consideration of a recommended change in school district organization,  
28 including remoteness or isolation of places of residence and time  
29 required to travel to and from school; and

30 (e) All funding sources of the affected districts, equalization  
31 among school districts of the tax burden for general fund and capital  
32 purposes through a reduction in disparities in per pupil valuation when  
33 all funding sources are considered, improvement in the economies in the  
34 administration and operation of schools, and the extent the proposed  
35 change would potentially reduce or increase the individual and  
36 aggregate transportation costs of the affected school districts.

37 (5)(a)(i) A petitioner or school district may appeal a decision by  
38 the regional committee to the superintendent of public instruction

1 based on the claim that the regional committee failed to follow the  
2 applicable statutory and regulatory procedures or acted in an arbitrary  
3 and capricious manner. Any such appeal shall be based on the record  
4 and the appeal must be filed within thirty days of the final decision  
5 of the regional committee. The appeal shall be heard and determined by  
6 an administrative law judge in the office of administrative hearings,  
7 based on the standards in (a)(ii) of this subsection.

8 (ii) If the administrative law judge finds that all applicable  
9 procedures were not followed or that the regional committee acted in an  
10 arbitrary and capricious manner, the administrative law judge shall  
11 refer the matter back to the regional committee with an explanation of  
12 his or her findings. The regional committee shall rehear the proposal.

13 (iii) If the administrative law judge finds that all applicable  
14 procedures were followed or that the regional committee did not act in  
15 an arbitrary and capricious manner, depending on the appeal, the  
16 educational service district shall be notified and directed to  
17 implement the changes.

18 (b) Any school district or citizen petitioner affected by a final  
19 decision of the regional committee may seek judicial review of the  
20 committee's decision in accordance with RCW 34.05.570.

21 **Sec. 3.** RCW 28A.315.085 and 2006 c 263 s 507 are each amended to  
22 read as follows:

23 (1) The superintendent of public instruction shall furnish to  
24 regional committees the services of employed personnel and the  
25 materials and supplies necessary to enable them to perform the duties  
26 imposed upon them by this chapter. ~~((Members shall be reimbursed for  
27 expenses necessarily incurred by them in the performance of their  
28 duties in accordance with RCW 28A.315.155.))~~ In addition, the  
29 superintendent shall designate an individual to serve as the statewide  
30 chair and be a nonvoting member of each regional committee created  
31 under RCW 28A.315.015. The statewide chair designated under this  
32 section shall be an employee of the office of the superintendent of  
33 public instruction. The purpose of designating a statewide chair is to  
34 ensure conformity of the regional committees to legal procedures and  
35 rules regarding the committees' consideration of petitions; provide  
36 consistency in the application of laws, rules, criteria, and procedures  
37 across the state; offer expertise in issues related to school district

1 organization; and provide expertise in managing meetings and conducting  
2 public hearings to enhance the deliberation of regional committees.  
3 The statewide chair shall also provide training for members of regional  
4 committees, including coordinating any training offered under RCW  
5 28A.315.185, and provide assistance to educational service district  
6 superintendents in carrying out the responsibilities assigned under  
7 this chapter.

8 (2) Costs that may be incurred by an educational service district  
9 in association with school district negotiations under RCW 28A.315.195  
10 and supporting the regional committee under RCW 28A.315.205 shall be  
11 reimbursed by the state from such funds as are appropriated for these  
12 purposes.

13 **Sec. 4.** RCW 28A.315.105 and 1985 c 385 s 2 are each amended to  
14 read as follows:

15 (1) There is hereby created in each educational service district a  
16 committee which shall be known as the regional committee on school  
17 district organization, which committee shall be composed of the  
18 statewide chair designated under RCW 28A.315.085 and not less than  
19 seven nor more than nine registered voters of the educational service  
20 district, the number to correspond with the number of board member  
21 districts established for the governance of the educational service  
22 district in which the regional committee is located. The statewide  
23 chair shall be a nonvoting member of each regional committee.

24 (2) Except for the statewide chair, members of each regional  
25 committee shall be appointed to serve a four-year term by the  
26 educational service district board of the district in which the  
27 regional committee is located. One member of the regional committee  
28 shall be ((elected from the registered voters of)) appointed from each  
29 such educational service district board member district. Appointed  
30 members of regional committees must be registered voters and reside in  
31 the educational service district board member district from which they  
32 are appointed. Members of regional committees who were elected before  
33 the effective date of this section may serve the remainder of their  
34 four-year terms. Vacancies occurring for any reason, including at the  
35 end of the term of any member of a regional committee who was elected  
36 before the effective date of this section, shall be filled by

1 appointment by the educational service district board of directors as  
2 provided in this section.

3 (3) In the event of a change in the number of educational service  
4 districts or in the number of educational service district board  
5 members pursuant to chapter 28A.310 RCW, a new regional committee shall  
6 be appointed for each affected educational service district at the  
7 expiration of the terms of the majority of the members of the regional  
8 committee. Those persons who were serving on a regional committee  
9 within an educational service district affected by a change in the  
10 number of districts or board members shall continue to constitute the  
11 regional committee for the educational service district within which  
12 they are registered to vote until the majority of a new board has been  
13 appointed.

14 (4) No appointed member of a regional committee may continue to  
15 serve on the committee if he or she ceases to be a registered voter of  
16 the educational service district board member district or if he or she  
17 is absent from three consecutive meetings of the committee without an  
18 excuse acceptable to the committee.

19 **Sec. 5.** RCW 28A.315.165 and 1990 c 33 s 297 are each amended to  
20 read as follows:

21 Each regional committee shall (~~organize by electing~~) elect from  
22 its membership (~~a chair and~~) a vice chair who shall chair committee  
23 meetings in the event of the temporary absence of the statewide chair  
24 designated under RCW 28A.315.085. The educational service district  
25 superintendent shall be the secretary of the committee. Meetings of  
26 the committee shall be held upon call of the statewide chair (~~or of a~~  
27 ~~majority of the members thereof~~). A majority of the voting members of  
28 the committee shall constitute a quorum.

29 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each  
30 repealed:

31 (1) RCW 28A.315.125 (Regional committees--Election of members--  
32 Qualifications) and 2006 c 263 s 508, 1993 c 416 s 2, 1990 c 33 s 295,  
33 1985 c 385 s 4, & 1975-'76 2nd ex.s. c 15 s 1;

34 (2) RCW 28A.315.135 (Regional committees--Vacancies) and 1985 c 385  
35 s 5, 1975 1st ex.s. c 275 s 81, 1969 ex.s. c 176 s 117, & 1969 ex.s. c  
36 223 s 28A.57.033; and

1 (3) RCW 28A.315.145 (Regional committees--Terms of members) and  
2 1993 c 416 s 3, 1990 c 33 s 296, 1985 c 385 s 6, & 1969 ex.s. c 223 s  
3 28A.57.034.

4 **Sec. 7.** RCW 28A.323.020 and 2006 c 263 s 612 are each amended to  
5 read as follows:

6 The duties in this chapter imposed upon and required to be  
7 performed by a regional committee and by an educational service  
8 district superintendent in connection with a change in the organization  
9 and extent of school districts and/or with the adjustment of the assets  
10 and liabilities of school districts and with all matters related to  
11 such change or adjustment whenever territory lying in ~~((a single))~~ more  
12 than one educational service district is involved shall be performed  
13 ~~((jointly))~~ by the regional committee~~((s))~~ and by the  
14 superintendent~~((s))~~ of the ~~((several))~~ educational service district~~((s~~  
15 ~~as required whenever territory lying in more than one educational~~  
16 ~~service district is involved in a proposed change in the organization~~  
17 ~~and extent of school districts: PROVIDED, That a regional committee~~  
18 ~~may designate three of its members, or two of its members and the~~  
19 ~~educational service district superintendent, as a subcommittee to serve~~  
20 ~~in lieu of the whole committee, but action by a subcommittee shall not~~  
21 ~~be binding unless approved by a majority of the regional committee))~~ in  
22 which is located the part of the proposed or enlarged school district  
23 having the largest number of common school pupils residing therein.  
24 Proposals for changes in the organization and extent of school  
25 districts and proposed terms of adjustment of assets and liabilities  
26 thus prepared and approved shall be submitted to the superintendent of  
27 public instruction ~~((by the regional committee of the educational~~  
28 ~~service district in which is located the part of the proposed or~~  
29 ~~enlarged district having the largest number of common school pupils~~  
30 ~~residing therein))~~.

31 NEW SECTION. **Sec. 8.** RCW 28A.323.030 (School districts in two or  
32 more educational service districts--Proposed change or adjustment--  
33 Procedure when one committee does not approve or fails to act--  
34 Temporary committee) and 1990 c 33 s 310, 1985 c 385 s 26, 1975 1st  
35 ex.s. c 275 s 96, 1969 ex.s. c 176 s 132, & 1969 ex.s. c 223 s  
36 28A.57.245 are each repealed.

1        NEW SECTION.    **Sec. 9.**    RCW 28A.323.020 is recodified as a new  
2 section in chapter 28A.315 RCW.

3        **Sec. 10.**    RCW 28A.343.070 and 1990 c 33 s 324 are each amended to  
4 read as follows:

5        Each educational service district superintendent shall prepare and  
6 keep in his or her office ((~~1~~)) a map showing the boundaries of the  
7 directors' districts of all school districts in or belonging to his or  
8 her educational service district that are so divided(~~(, and (2) a~~  
9 ~~record of the action taken by the regional committee in establishing~~  
10 ~~such boundaries~~)).

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