

HOUSE BILL REPORT

HB 1477

As Reported By House Committee On:

Education
Appropriations

Title: An act relating to school district organization.

Brief Description: Revising school district organization provisions.

Sponsors: Representatives Haigh, Bush, Talcott, Linville, Santos and Edmonds; by request of Board of Education.

Brief History:

Committee Activity:

Education: 2/8/99, 3/1/99 [DPS];

Appropriations: 3/4/99, 3/6/99 [DP2S(w/o sub ED)].

Brief Summary of Second Substitute Bill

- The current process for changing school district boundaries is modified and reorganized.
- Before going to a regional committee, affected school districts must negotiate the proposed change. If they cannot agree, they request a hearing from the regional committee.
- Local school districts and educational service districts must be reimbursed for costs relating to changing school district boundaries.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Cox; Rockefeller; D. Schmidt; Stensen; Sump and Wensman.

Minority Report: Do not pass. Signed by 3 members: Representatives Carlson; Keiser and Santos.

Staff: Charlie Gavigan (786-7340).

Background:

The Legislature enacted the "city or town districts" statute in 1909, primarily to ensure that each city or town is served by a single school district. Over the years, the Legislature has added several provisions regarding changing school district boundaries. Generally, citizens and school districts can petition to change school district boundaries through forming a new school district, consolidating school districts, or changing the territory of a school district. The Legislature created regional committees in each of the nine educational service districts (ESD) to review proposals on school district boundary changes. A regional committee can consider a school district boundary change on its own initiative, at the recommendation of the ESD superintendent, or whenever the committee considers it appropriate to do so. If the regional committee recommends a boundary change, the recommendation goes to the State Board of Education for approval. There are statutory guidelines and agency rules to be considered in recommending and approving boundary changes.

Typically, the regional committee and ESD implement the boundary changes based on statutory provisions, such as reapportioning assets and obligations.

Special elections must be held when a new school district is being formed or when bond debt is being adjusted or transferred. If voters reject either the proposal to form a new district or adjust bond debt, the regional committee can modify the proposal and resubmit it to the State Board of Education for reconsideration as if it was an original proposal.

Summary of Substitute Bill:

The provisions in current law regarding forming school districts and changing school district boundaries are significantly modified. The "city or town districts" statute, which generally provides that each city or town is served by a single school district, is repealed. When a city or town changes boundaries, any proposed school district boundary changes will follow the general statutory process for such changes.

The nine regional committees in current law are replaced by one State Council on School District Organization. The state council is comprised of a person from each of the nine educational service districts (ESDs) in Washington. The members serve without compensation, but expenses are reimbursed. The state council hears and approves proposals referred to it by ESDs or school districts. Decisions by the state council are appealable to the court. The appropriate ESD implements the approved school boundary changes. The statutory guidelines and agency rules regarding boundary changes are modified.

School district boundary changes generally are still proposed by citizens and school districts, as under current law, although some modifications are made. When a petition is received by the ESD, the ESD notifies the affected school districts who must then negotiate to see if an agreement can be reached regarding the petition. Mediation is provided for. If agreement is reached, the ESD implements it; if no agreement is reached, the petition is forwarded to the state council.

Current law requiring special elections in certain cases is retained; however, if voters reject either the proposal to form a new district or adjust bond debt, the proposal is defeated, rather than allowing the proposal to be resubmitted to the State Board of Education for reconsideration.

Proposals for school boundary changes initiated prior to the effective date of this act are to be processed under current law. Regional committees are eliminated January 10, 2000.

Substitute Bill Compared to Original Bill: The substitute bill: (1) removes provisions that would allow one school district to be partitioned into two districts; (2) modifies the considerations used in reviewing proposed boundary changes; (3) requires 10 percent or more of the voters for a petition to transfer territory, rather than a majority; (4) keeps provisions on the regional committees in effect until January 10, 2000, rather than repealing them immediately; and (5) makes technical changes and clarifications.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and all but section 808 take effect immediately.

Testimony For: (Original bill): The bill makes needed changes to laws relating to school district boundary changes. It streamlines the process and provides a more independent and impartial process. One statewide council will provide more consistency. Current provisions are confusing; this clarifies the law and organizes it in a more efficient and understandable fashion. It also allows decisions to be made at the local level between the affected school districts; only if the districts can't agree does the proposal go the state council.

Testimony Against: (Original bill): Adding the ability to partition one school district into two is not good policy. The regional committees should not be eliminated because doing so will result in a loss of local control and the current process has worked satisfactorily.

Testified: (Support) Rep. Haigh, prime sponsor; Kathleen Anderson and Larry Davis, State Board of Education; Dick Muri, Steilacoom School District; and Dennis Couch, Northwest ESD 189.

(Opposed) Terry Lindquist, Puget Sound ESD; and Roy Garrison, ESD 112.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 31 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Staff: Denise Graham (786-7137).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Education: The second substitute bill eliminates the state council that was created in the substitute and instead uses the nine regional committees, which already exist, when agreement cannot be reached by the school districts. If the regional committee approves the request, the second substitute provides for an appeal of that decision to the State Board of Education based on the claim the committee did not follow required procedures. The second substitute bill also specifies that the school districts and ESDs must be reimbursed for costs related to changing school district boundaries. Other technical and clarifying changes are also made.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The current process is not working well in some parts of the state. This bill is the result of a year-long study by the State Board of Education. This bill would help make the process work better.

Testimony Against: As passed from the Education Committee, the bill shifts local control to a newly created State Council; there should be local feedback before doing that. The fiscal note is not adequate to cover all the costs at the state or local level.

Testified: Representative Kathy Haigh, prime sponsor; Larry Davis, State Board of Education; and Kathy Rohrer, Educational School District 112.