

HOUSE BILL REPORT

2SHB 2635

As Amended by the Senate

Title: An act relating to school district boundaries and organization.

Brief Description: Regarding school district boundaries and organization.

Sponsors: By House Committee on App Subcom Ed (originally sponsored by Representative Quall).

Brief History:

Committee Activity:

Education: 1/22/08, 2/5/08 [DPS];

Appropriations Subcommittee on Education: 2/7/08 [DP2S(w/o sub ED)].

Floor Activity:

Passed House: 2/18/08, 95-0.

Senate Amended.

Passed Senate: 3/7/08, 48-0.

Brief Summary of Second Substitute Bill

- Provides for the appointment rather than election of Regional Committees for School District organization, along with the designation by the Office of the Superintendent of Public Instruction of a non-voting, statewide chair for all Regional Committees.
- Requires a petition to transfer territory that is initiated by a school board to provide documentation that the board took steps to notify and get input from the affected school board and voters in the territory, as well as consulted with the statewide chair, before signing the petition.
- Requires Regional Committees to consider the impact of the Growth Management Act in their deliberations.

HOUSE COMMITTEE ON EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh, Liias, Roach, Santos and Sullivan.

Staff: Barbara McLain (786-7383).

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

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 17 members: Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Barlow, Crouse, Fromhold, Haler, Herrera, Jarrett, Kagi, Kenney, Ormsby, Quall, Seaquist, Springer and Wallace.

Staff: Ben Rarick (786-7349).

Background:

The procedures that govern school district organization and reorganization, including district boundaries and changes in boundaries, are established in statute.

Regional Committees. Each Educational Service District (ESD) has a Regional Committee responsible for approving and disapproving proposals to change school district organization and adjusting the property and assets and liabilities, including tax levies and bonded indebtedness, that result from changes in district organization. Regional Committees are composed of seven to nine members, depending on the size of the ESD board of directors, and are elected by the voters in each ESD board member district. The election requirements and procedures are detailed in statute.

The ESD Superintendents are responsible for providing staff and technical support for the Regional Committees and overseeing the procedures involved in school district organization decisions and disputes. In some cases, boundary disputes can be controversial and become the subject of litigation and further appeal. Members of Regional Committees are generally lay persons called to make decisions on an infrequent basis. In one recent case, the decision of a Regional Committee was returned after an appeal in part because the hearing officer found the Regional Committee had not followed proper procedure in its deliberations.

If districts affected by a change in organization are located in two ESDs, current law requires involvement of both Regional Committees, as well as creation of a third temporary joint committee if the two do not agree.

Transfer of Territory. The current process for transfer of territory between one district and another emphasizes negotiated agreement among the districts wherever possible. A proposal to transfer territory can be initiated:

- (1) by a petition signed by a majority of the school board members of one of the affected districts; or
- (2) by a petition signed by more than 50 percent of active registered voters in the territory proposed for transfer.

Once petitions have been initiated by transmission to the ESD Superintendent, the affected school districts must negotiate regarding the proposed transfer. There are timelines for the negotiation, including the opportunity to receive a mediator appointed by the ESD. If the districts agree, the property is either transferred or not, depending on the agreement. If the districts do not agree, either district may request a hearing and decision by the Regional Committee. Further appeals are possible.

Review Criteria. The statutes contain a number of review criteria that Regional Committees are required to consider in their deliberations about school district organization proposals. One of the review criteria provides for consideration of the history and relationship of the property to the communities affected. A specific example is called out: inclusion in a single school district for purposes of school attendance and tax support of master planned communities with more than 1,000 units. There are no other specific references to growth management issues in the review criteria.

Summary of Second Substitute Bill:

Regional Committees. Rather than being elected, members of Regional Committees are appointed by the ESD board for four-year terms. Members previously elected serve out the remainder of their terms. Any vacancies are filled by appointment.

The Office of the Superintendent of Public Instruction (OSPI) designates an OSPI employee or contractor to serve as the non-voting, statewide chair of all Regional Committees. The purpose of the statewide chair is to:

- ensure conformity to legal procedures and rules in considering petitions;
- provide consistency in application of laws, rules, procedures, and criteria;
- provide expertise in managing meetings and public hearings;
- provide training for Regional Committee members; and
- provide assistance to the ESD Superintendents in their responsibilities.

If school districts affected by a change in organization are in two ESDs, the Regional Committee and the ESD of the district with the largest number of affected students have jurisdiction, rather than requiring a temporary joint committee. An incorrect reference to Regional Committees and director district boundaries is removed.

Transfer of Territory. A petition to transfer territory that is initiated by a school board must provide documentation that, before signing the petition, the board notified the affected school board and provided time for response; notified voters residing in the territory and provided opportunity for comment at a public hearing; and consulted with the statewide chair of regional committees.

Review Criteria. Regional Committees must consider the impact of the Growth Management Act and current or proposed urban growth areas, city boundaries, and master planned communities in their deliberations about school district boundaries and organization. They are no longer restricted to considering master planned communities of a particular size.

EFFECT OF SENATE AMENDMENT(S):

The designation by the OSPI of an employee or contractor to serve as the non-voting statewide Chair of all Regional Committees is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony: (Education)

(In support) It is not fair for one school board to try to annex another district's property without considering the students and families living there. There was agreement to convene a workgroup over the interim to examine these complex issues. The workgroup made recommendations to have a common denominator across Regional Committees of a single chair and remove cumbersome voting requirements. In the end, however, the most important issue of fairness is that if there are students in the territory, the only way to initiate a proposed transfer of territory is by a petition signed by the families. There is some concern about the statewide chair having to be an employee of the OSPI. It is good to recognize that the work of Regional Committees needs to stay at the regional level with the ESDs. The current election process is time consuming. Much of the bill is a good clean-up.

(With concerns) Portions of the bill appear to be an erosion of school board authority. School boards are elected and provided with powers and responsibilities. They are divided on the issue of changing the process for transfer of territory. This is still controversial and difficult. The ESDs need to be funded for their responsibilities.

(Opposed) There are many issues and complexities in initiating a petition to change school district boundaries. No school board takes this lightly. But as elected bodies, they have the responsibility to exercise their authority in the interests of the citizens of their district. They have responsibility to listen to their constituents and vote accordingly. Removing the ability of a district to initiate a transfer would take away the opportunity, make small technical fixes that no one would object to. There have been situations where new housing developments would have caused students living on opposite sides of the street to be in different school districts. Entire communities would have been fractured, with some students being bused for five miles and their neighbors able to walk to school.

Staff Summary of Public Testimony: (Appropriations Subcommittee on Education)

None.

Persons Testifying: (Education) (In support) Representative Quall, prime sponsor; Gordon Beck, Office of the Superintendent of Public Instruction; and Bill Keim, Association of Educational Service Districts.

(With concerns) Dan Steele, Washington State School Directors Association; and Barbara Mertens, Washington Association of School Administrators.

(Opposed) Denise Stiffarm, K & L Gates; and Al Lawrence and Gary Yoho, Steilacoom Historical School District.

Persons Testifying: (Appropriations Subcommittee on Education) None.

Persons Signed In To Testify But Not Testifying: (Education) None.

Persons Signed In To Testify But Not Testifying: (Appropriations Subcommittee on Education) None.