

HOUSE BILL REPORT

SB 5731

As Reported by House Committee On:
Education

Title: An act relating to petitions for proposed transfer of school district territory.

Brief Description: Concerning petitions for proposed transfer of school district territory.

Sponsors: Senator Short.

Brief History:

Committee Activity:

Education: 3/25/19, 4/1/19 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Authorizes persons who have initiated a citizen petition for the transfer of territory from one school district to another to, upon dismissal of the proposal by the affected school districts, request the appointment of a mediator to assist the parties in reaching agreement on the proposal.
- Establishes that if the mediator is not appointed or not successful, the citizen petitioner may request and receive a hearing on the proposal by a regional committee that is empowered to decide the matter.
- Applies retroactively to citizen petitions that were dismissed by the affected school districts on or after January 1, 2018.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 13 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; Bergquist, Callan, Corry, Kilduff, Kraft, Ortiz-Self, Stonier, Thai and Valdez.

Minority Report: Do not pass. Signed by 3 members: Representatives Caldier, Rude and Ybarra.

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.

Minority Report: Without recommendation. Signed by 3 members: Representatives McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Harris.

Staff: Ethan Moreno (786-7386).

Background:

Territory from one school district may be transferred to another through a process that is initiated with the submission of a petition to the superintendent of the applicable educational service district (ESD). The petition must state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for the change and the number of children of school age, if any, residing in the territory.

A petition initiated by a school district must be signed by a majority of the members of the board of directors of one of the districts affected by the proposed transfer of territory, and the petition materials must document that certain notification and public meeting requirements have been met. If the petition is initiated by citizens, it must be signed by a majority of the active registered voters residing in the territory proposed to be transferred.

When the superintendent of the ESD receives a petition, the school boards of the affected districts must enter into negotiations on the matter and have 90 days, plus the possibility of one 30-day extension, to agree on the proposed transfer of territory. If the districts cannot reach an agreement, the districts may request that a mediator be appointed to assist in reaching an agreement. If a mediator was not requested or is not successful, one or more of the districts may request a hearing by a regional committee, a body that is appointed by the board members of the applicable ESD to decide unresolved territorial transfer proposals and related matters.

If the affected school districts cannot come to agreement about a proposed transfer of territory that was initiated by a citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside must file with the ESD superintendent a written request for a hearing by the regional committee. However, the requirement to file the written request does not apply if a majority of the citizen petitioners request otherwise.

The chair of the regional committee is required to schedule a hearing within the ESD on the proposed transfer of territory within 60 calendar days of receiving a request for the hearing. Within 30 calendar days of the hearing, or the final hearing if more than one is held, the regional committee must issue its written findings and decision to approve or disapprove the proposed transfer of territory.

A petitioner or school district may appeal a decision by the regional committee to the Superintendent of Public Instruction for hearing by an administrative law judge. Additionally, any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the regional committee's decision.

Summary of Amended Bill:

If the affected school districts dismiss a proposed transfer of territory initiated by a citizen petition, the petitioner may request that the school districts appoint a mediator to attempt to reach agreement between the school districts and the petitioner on the proposal. The appointed mediator must be approved by the school districts and the petitioner, and he or she has 30 days to work with the school districts and the petitioner to attempt to reach an agreement on the proposed transfer of territory.

If the school districts do not appoint a mediator that is approved by the districts and the petitioner within 30 days of the request by the petitioner, or if the mediator was unable to bring the districts and the petitioner to agreement, the petitioner may file with the ESD superintendent a written request for a hearing by a regional committee. The request for a hearing must be filed no later than 60 days after the appointment of a mediator or, if no mediator is appointed, within 60 days of the request by the petitioner to appoint a mediator.

The chair of the regional committee must schedule a hearing within the ESD on the proposed transfer of territory within 60 calendar days of receiving a request for the hearing by the ESD superintendent.

The bill applies retroactively to all territory transfer proposals that were initiated by citizen petition and were dismissed by the affected school districts on or after January 1, 2018.

Amended Bill Compared to Original Bill:

The amended bill makes the following changes to the original bill:

- allows a citizen petitioner whose petition for a proposed transfer of school district territory that was dismissed by the affected school districts to request that the districts appoint a mediator to attempt to reach agreement between the districts and the petitioner on the proposal;
- allows a citizen petitioner to file a request for a hearing on a proposal with the applicable regional committee if the districts do not appoint a mediator that is approved by the districts and the petitioner, or if the mediator's attempts to reach agreement were unsuccessful;
- establishes time limits for the filing of a request for a hearing with the applicable regional committee; and
- modifies the retroactivity provisions in the underlying bill to specify that the dismissed proposals referenced in the provisions are those dismissed by school districts.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Washington law does not provide a process for administrative relief if both school districts agree to dismiss a citizen-based petition to annex territory from one school district to another. This bill will create a relief process, but it does not change school district territory annexation requirements.

(Opposed) Stakeholders have concerns about an automatic appeal process that would override the decision of locally elected officials. The bill could be modified to create a possible appeal option to the Office of the Superintendent of Public Instruction and administrative law judges using an arbitrary and capricious standard that currently exists.

Under current law, school districts must negotiate and seek agreement when questions arise regarding the transfer of property. This bill is counter intuitive and assumes that the regional committee has a greater understanding of the issues than the school board; this is not accurate.

Persons Testifying: (In support) Senator Short, prime sponsor.

(Opposed) Melissa Gombosky, Association of Educational Service; and Jessica Vavrus, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: None.