

SENATE BILL REPORT

SB 5731

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 22, 2019

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: Early Learning & K-12 Education: 2/15/19, 2/22/19 [DP].

Brief Summary of Bill

- Allows a petitioner to request a hearing by the Regional Committee on School District Organization if a school district dismisses a proposed transfer of territory initiated by citizen petition.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy, Hunt, McCoy, Mullet, Padden, Pedersen, Salomon and Wagoner.

Staff: Alex Fairfortune (786-7416)

Background: The transfer of school district territory from one school district to another may be initiated by a petition signed by over 50 percent of voters residing in the transfer territory or by a majority of members of the board of directors of one of the affected districts. In cases of citizen initiated petitions, the affected districts must negotiate the proposed transfer of territory within 90 calendar days. If the districts agree to dismiss the proposal, a petitioner may appeal to the superior court. If an agreement cannot be reached on the proposal, the district in which the petition was filed must request a hearing by the regional committee on school district organization (regional committee).

When making a decision on a proposed transfer of territory, the regional committee must consider the following factors:

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.

- a balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the school district, community, educational service district, and state;
- responsibly serving all affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;
- enhancing educational opportunities of students in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of assets and liabilities of the affected districts;
- promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and
- other criteria established by the Office of the Superintendent of Public Instruction (OSPI).

A petitioner or school district may appeal a decision by the regional committee to OSPI if the regional committee fails to follow the applicable standards and procedures or acts in an arbitrary or capricious manner. The appeal must be heard and determined by an administrative law judge in the Office of Administrative Hearings.

Summary of Bill: If the affected school districts agree to dismiss a proposed transfer of territory initiated by citizen petition, a petitioner may file a request for a hearing by the regional committee. The request must be filed in writing within 30 days of receiving notice that the proposed transfer was dismissed, unless the proposal was dismissed before the bill's effective date.

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

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This issue was brought by a local constituent who had a proposal dismissed. The constituent looked at the law and found that he would not be able to access the administrative process. This bill creates that process. It is not a huge burden or cost to school districts or the state, and the school district originally involved does not have a problem with the bill. It simply creates an additional option for taxpayers.

Persons Testifying: Senator Shelly Short, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: None.