
ENGROSSED SENATE BILL 5364

State of Washington 52nd Legislature 1991 Regular Session

By Senators Roach, McCaslin and Stratton.

Read first time January 29, 1991. Referred to Committee on
Governmental Operations.

1 AN ACT Relating to the location of public schools; adding a new
2 section to chapter 35.63 RCW; adding a new section to chapter 35A.63
3 RCW; adding a new section to chapter 36.70 RCW; and adding a new
4 section to chapter 28A.305 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63 RCW
7 to read as follows:

8 If the council, board, hearing examiner, or other municipal
9 authority has made a final decision refusing to permit a public school
10 to be located on a particular site under a land use plan adopted by the
11 municipality, the decision may be appealed by the school district board
12 of directors to the state board of education. The school district
13 board of directors may appeal the decision, within sixty days after all
14 municipal administrative procedures have been exhausted, only if the
15 board by majority vote adopts a resolution to appeal the decision and

1 submits a statement that all municipal administrative procedures have
2 been exhausted. If the state board of education determines that the
3 location of the school on that site would best serve the educational
4 needs of students, the school may be located on that site
5 notwithstanding the provisions of the municipality's land use plans or
6 zoning ordinances.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63 RCW
8 to read as follows:

9 If the council, board, hearing examiner, or other municipal
10 authority has made a final decision refusing to permit a public school
11 to be located on a particular site under a land use plan adopted by the
12 code city, the decision may be appealed by the school district board of
13 directors to the state board of education. The school district board
14 of directors may appeal the decision, within sixty days after all
15 municipal administrative procedures have been exhausted, only if the
16 board by majority vote adopts a resolution to appeal the decision and
17 submits a statement that all municipal administrative procedures have
18 been exhausted. If the state board of education determines that the
19 location of the school on that site would best serve the educational
20 needs of students, the school may be located on that site
21 notwithstanding the provisions of the code city's land use plans or
22 zoning ordinances.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70 RCW
24 to read as follows:

25 If the council, board, hearing examiner, or other county or
26 regional authority has made a final decision refusing to permit a
27 public school to be located on a particular site under a land use plan
28 adopted by the county or region, the decision may be appealed by the

1 school district board of directors to the state board of education.
2 The school district board of directors may appeal the decision, within
3 sixty days after all municipal administrative procedures have been
4 exhausted, only if the board by majority vote adopts a resolution to
5 appeal the decision and submits a statement that all municipal
6 administrative procedures have been exhausted. If the state board of
7 education determines that the location of the school on that site would
8 best serve the educational needs of students, the school may be located
9 on that site notwithstanding the provisions of the county's land use
10 plans or zoning ordinances.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.305
12 RCW to read as follows:

13 The state board of education, when requested in writing, shall
14 review a decision under section 1, 2, or 3 of this act and may make the
15 determination that a school should be located on a site notwithstanding
16 the provisions of the land use plans or zoning ordinances.