

SB 5437 - H AMD

By Representative Ahern

ADOPTED AS AMENDED 4/18/03

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28A.315.205 and 1999 c 315 s 402 are each amended to
4 read as follows:

5 (1) The chair of the regional committee shall schedule a hearing on
6 the proposed transfer of territory at a location in the educational
7 service district within sixty calendar days of being notified under RCW
8 28A.315.195 (7) or (8).

9 (2) Within thirty calendar days of the hearing under subsection (1)
10 of this section, or final hearing if more than one is held by the
11 committee, the committee shall issue its written findings and decision
12 to approve or disapprove the proposed transfer of territory. The
13 educational service district superintendent shall transmit a copy of
14 the committee's decision to the superintendents of the affected school
15 districts within ten calendar days.

16 (3) In carrying out the purposes of RCW 28A.315.015 and in making
17 decisions as authorized under RCW 28A.315.095(1), the regional
18 committee shall base its judgment upon whether and to the extent the
19 proposed change in school district organization complies with RCW
20 28A.315.015(2) and rules adopted by the state board under chapter 34.05
21 RCW.

22 (4) State board rules under subsection (3) of this section shall
23 provide for giving consideration to all of the following:

24 (a) (~~The annual school performance reports required under RCW~~
25 ~~28A.320.205 in the affected districts and improvement of the~~
26 ~~educational opportunities of pupils in the territory proposed for a~~
27 ~~change in school district organization;~~

28 (b)) Student educational opportunities as measured by the
29 percentage of students performing at each level of the statewide

1 mandated assessments and data regarding student attendance, graduation,
2 and dropout rates;

3 (b) The safety and welfare of pupils. For the purposes of this
4 subsection, "safety" means freedom or protection from danger, injury,
5 or damage and "welfare" means a positive condition or influence
6 regarding health, character, and well-being;

7 (c) The history and relationship of the property affected to the
8 students and communities affected, including, for example, inclusion
9 within a single school district, for school attendance and
10 corresponding tax support purposes, of entire master planned
11 communities that were or are to be developed pursuant to an integrated
12 commercial and residential development plan with over one thousand
13 dwelling units;

14 (d) Whether or not geographic accessibility warrants a favorable
15 consideration of a recommended change in school district organization,
16 including remoteness or isolation of places of residence and time
17 required to travel to and from school; and

18 (e) All funding sources of the affected districts, equalization
19 among school districts of the tax burden for general fund and capital
20 purposes through a reduction in disparities in per pupil valuation when
21 all funding sources are considered, improvement in the economies in the
22 administration and operation of schools, and the extent the proposed
23 change would potentially reduce or increase the individual and
24 aggregate transportation costs of the affected school districts.

25 (5)(a)(i) A petitioner or school district may appeal a decision by
26 the regional committee (~~(to approve a change in school district~~
27 ~~organization)) to the state board based on the claim that the regional
28 committee failed to follow the applicable statutory and regulatory
29 procedures or acted in an arbitrary and capricious manner. Any such
30 appeal shall be based on the record and the appeal must be filed within
31 thirty days of the final decision of the regional committee.~~

32 (ii) If the state board finds that all applicable procedures were
33 not followed or that the regional committee acted in an arbitrary and
34 capricious manner, it shall refer the matter back to the regional
35 committee with an explanation of the board's findings. The regional
36 committee shall rehear the proposal.

1 (iii) If the state board finds that all applicable procedures were
2 followed or that the regional committee did not act in an arbitrary and
3 capricious manner, depending on the appeal, the educational service
4 district shall be notified and directed to implement the changes.

5 (b) Any school district or citizen petitioner affected by a final
6 decision of the regional committee may seek judicial review of the
7 committee's decision in accordance with RCW 34.05.570.

8 **Sec. 2.** RCW 28A.315.195 and 1999 c 315 s 401 are each amended to
9 read as follows:

10 (1) A proposed change in school district organization by transfer
11 of territory from one school district to another may be initiated by a
12 petition in writing presented to the educational service district
13 superintendent:

14 (a) Signed by at least (~~ten~~) fifty percent plus one of the active
15 registered voters residing in the territory proposed to be transferred;
16 or

17 (b) Signed by a majority of the members of the board of directors
18 of one of the districts affected by a proposed transfer of territory.

19 (2) The petition shall state the name and number of each district
20 affected, describe the boundaries of the territory proposed to be
21 transferred, and state the reasons for desiring the change and the
22 number of children of school age, if any, residing in the territory.

23 (3) The educational service district superintendent shall not
24 complete any transfer of territory under this section that involves ten
25 percent or more of the common school student population of the entire
26 district from which the transfer is proposed, unless the educational
27 service district superintendent has first called and held a special
28 election of the voters of the entire school district from which the
29 transfer of territory is proposed. The purpose of the election is to
30 afford those voters an opportunity to approve or reject the proposed
31 transfer. A simple majority shall determine approval or rejection.

32 (4) The state board may establish rules limiting the frequency of
33 petitions that may be filed pertaining to territory included in whole
34 or in part in a previous petition.

35 (5) Upon receipt of the petition, the educational service district
36 superintendent shall notify in writing the affected districts that:

1 (a) Each school district board of directors, whether or not
2 initiating a proposed transfer of territory, is required to enter into
3 negotiations with the affected district or districts;

4 (b) In the case of a citizen-initiated petition, the affected
5 districts must negotiate on the entire proposed transfer of territory;

6 (c) The districts have ninety calendar days in which to agree to
7 the proposed transfer of territory;

8 (d) The districts may request and shall be granted by the
9 educational service district superintendent one thirty-day extension to
10 try to reach agreement; and

11 (e) Any district involved in the negotiations may at any time
12 during the ninety-day period notify the educational service district
13 superintendent in writing that agreement will not be possible.

14 (6) If the negotiating school boards cannot come to agreement about
15 the proposed transfer of territory, the educational service district
16 superintendent, if requested by the affected districts, shall appoint
17 a mediator. The mediator has thirty days to work with the affected
18 school districts to see if an agreement can be reached on the proposed
19 transfer of territory.

20 (7) If the affected school districts cannot come to agreement about
21 the proposed transfer of territory, and the districts do not request
22 the services of a mediator or the mediator was unable to bring the
23 districts to agreement, either district may file with the educational
24 service district superintendent a written request for a hearing by the
25 regional committee.

26 (8) If the affected school districts cannot come to agreement about
27 the proposed transfer of territory initiated by citizen petition, and
28 the districts do not request the services of a mediator or the mediator
29 was unable to bring the districts to agreement, the district in which
30 the citizens who filed the petition reside shall file with the
31 educational service district superintendent a written request for a
32 hearing by the regional committee, unless a majority of the citizen
33 petitioners request otherwise.

34 (9) Upon receipt of a notice under subsection (7) or (8) of this
35 section, the educational service district superintendent shall notify
36 the chair of the regional committee in writing within ten days.

1 (10) Costs incurred by school districts under this section shall be
2 reimbursed by the state from such funds as are appropriated for this
3 purpose."

4 Correct the title.

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