

SB 5437 - H AMD 441

By Representative Ahern

ADOPTED 04/18/2003

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 Correct the title.

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