

SB 5437 - H COMM AMD  
By Committee on Education

NOT 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 primary 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. The following secondary factors then shall be  
3 considered in order of importance as listed in this subsection:

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

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

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

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

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

34 (ii) If the state board finds that all applicable procedures were  
35 not followed or that the regional committee acted in an arbitrary and  
36 capricious manner, it shall refer the matter back to the regional

1 committee with an explanation of the board's findings. The regional  
2 committee shall rehear the proposal.

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

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

10 Correct the title.

--- END ---