

CERTIFICATION OF ENROLLMENT

SENATE BILL 5437

58th Legislature
2003 Regular Session

Passed by the Senate April 25, 2003
YEAS 46 NAYS 1

President of the Senate

Passed by the House April 18, 2003
YEAS 93 NAYS 5

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 5437 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5437

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senators Benton, Schmidt, Zarelli, Shin, Carlson, Stevens and West
Read first time 01/24/2003. Referred to Committee on Education.

1 AN ACT Relating to appeals from decisions by the school district
2 regional committee; and amending RCW 28A.315.205 and 28A.315.195.

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

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

6 (1) The chair of the regional committee shall schedule a hearing on
7 the proposed transfer of territory at a location in the educational
8 service district within sixty calendar days of being notified under RCW
9 28A.315.195 (7) or (8).

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

17 (3) In carrying out the purposes of RCW 28A.315.015 and in making
18 decisions as authorized under RCW 28A.315.095(1), the regional
19 committee shall base its judgment upon whether and to the extent the

1 proposed change in school district organization complies with RCW
2 28A.315.015(2) and rules adopted by the state board under chapter 34.05
3 RCW.

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

6 (a) ~~((The annual school performance reports required under RCW
7 28A.320.205 in the affected districts and improvement of the
8 educational opportunities of pupils in the territory proposed for a
9 change in school district organization;~~

10 ~~(b))~~ Student educational opportunities as measured by the
11 percentage of students performing at each level of the statewide
12 mandated assessments and data regarding student attendance, graduation,
13 and dropout rates;

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

18 (c) The history and relationship of the property affected to the
19 students and communities affected, including, for example, inclusion
20 within a single school district, for school attendance and
21 corresponding tax support purposes, of entire master planned
22 communities that were or are to be developed pursuant to an integrated
23 commercial and residential development plan with over one thousand
24 dwelling units;

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

29 (e) All funding sources of the affected districts, equalization
30 among school districts of the tax burden for general fund and capital
31 purposes through a reduction in disparities in per pupil valuation when
32 all funding sources are considered, improvement in the economies in the
33 administration and operation of schools, and the extent the proposed
34 change would potentially reduce or increase the individual and
35 aggregate transportation costs of the affected school districts.

36 (5)(a)(i) A petitioner or school district may appeal a decision by
37 the regional committee ~~((to approve a change in school district
38 organization))~~ to the state board based on the claim that the regional

1 committee failed to follow the applicable statutory and regulatory
2 procedures or acted in an arbitrary and capricious manner. Any such
3 appeal shall be based on the record and the appeal must be filed within
4 thirty days of the final decision of the regional committee.

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

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

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

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

19 (1) A proposed change in school district organization by transfer
20 of territory from one school district to another may be initiated by a
21 petition in writing presented to the educational service district
22 superintendent:

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

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

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

32 (3) The educational service district superintendent shall not
33 complete any transfer of territory under this section that involves ten
34 percent or more of the common school student population of the entire
35 district from which the transfer is proposed, unless the educational
36 service district superintendent has first called and held a special
37 election of the voters of the entire school district from which the

1 transfer of territory is proposed. The purpose of the election is to
2 afford those voters an opportunity to approve or reject the proposed
3 transfer. A simple majority shall determine approval or rejection.

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

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

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

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

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

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

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

22 (6) If the negotiating school boards cannot come to agreement about
23 the proposed transfer of territory, the educational service district
24 superintendent, if requested by the affected districts, shall appoint
25 a mediator. The mediator has thirty days to work with the affected
26 school districts to see if an agreement can be reached on the proposed
27 transfer of territory.

28 (7) If the affected school districts cannot come to agreement about
29 the proposed transfer of territory, and the districts do not request
30 the services of a mediator or the mediator was unable to bring the
31 districts to agreement, either district may file with the educational
32 service district superintendent a written request for a hearing by the
33 regional committee.

34 (8) If the affected school districts cannot come to agreement about
35 the proposed transfer of territory initiated by citizen petition, and
36 the districts do not request the services of a mediator or the mediator
37 was unable to bring the districts to agreement, the district in which
38 the citizens who filed the petition reside shall file with the

1 educational service district superintendent a written request for a
2 hearing by the regional committee, unless a majority of the citizen
3 petitioners request otherwise.

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

7 (10) Costs incurred by school districts under this section shall be
8 reimbursed by the state from such funds as are appropriated for this
9 purpose.

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