

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2635

Chapter 159, Laws of 2008

60th Legislature
2008 Regular Session

SCHOOL DISTRICTS--BOUNDARIES AND ORGANIZATION

EFFECTIVE DATE: 06/12/08

Passed by the House March 10, 2008
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 7, 2008
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved March 26, 2008, 9:38 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2635** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 26, 2008

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 2635

AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House Appropriations Subcommittee on Education (originally sponsored by Representative Quall)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to school district boundaries and organization;
2 amending RCW 28A.315.195, 28A.315.205, 28A.315.085, 28A.315.105,
3 28A.323.020, and 28A.343.070; adding a new section to chapter 28A.315
4 RCW; creating a new section; recodifying RCW 28A.323.020; and repealing
5 RCW 28A.315.125, 28A.315.135, 28A.315.145, and 28A.323.030.

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

7 **Sec. 1.** RCW 28A.315.195 and 2006 c 263 s 502 are each amended to
8 read as follows:

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

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

16 (b) Signed by a majority of the members of the board of directors
17 of one of the districts affected by a proposed transfer of territory
18 and providing documentation that, before signing the petition, the
19 board of directors took the following actions:

1 (i) Communicated the proposed transfer to the board of directors of
2 the affected district or districts and provided an opportunity for the
3 board of the affected district or districts to respond; and

4 (ii) Communicated the proposed transfer to the registered voters
5 residing in the territory proposed to be transferred, provided notice
6 of a public hearing regarding the proposal, and provided the voters an
7 opportunity to comment on the proposal at the public hearing.

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

12 (3) The educational service district superintendent shall not
13 complete any transfer of territory under this section that involves ten
14 percent or more of the common school student population of the entire
15 district from which the transfer is proposed, unless the educational
16 service district superintendent has first called and held a special
17 election of the voters of the entire school district from which the
18 transfer of territory is proposed. The purpose of the election is to
19 afford those voters an opportunity to approve or reject the proposed
20 transfer. A simple majority shall determine approval or rejection.

21 (4) The superintendent of public instruction may establish rules
22 limiting the frequency of petitions that may be filed pertaining to
23 territory included in whole or in part in a previous petition.

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

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

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

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

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

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

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

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

13 (8) If the affected school districts cannot come to agreement about
14 the proposed transfer of territory initiated by citizen petition, and
15 the districts do not request the services of a mediator or the mediator
16 was unable to bring the districts to agreement, the district in which
17 the citizens who filed the petition reside shall file with the
18 educational service district superintendent a written request for a
19 hearing by the regional committee, unless a majority of the citizen
20 petitioners request otherwise.

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

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

27 **Sec. 2.** RCW 28A.315.205 and 2006 c 263 s 503 are each amended to
28 read as follows:

29 (1) The chair of the regional committee shall schedule a hearing on
30 the proposed transfer of territory at a location in the educational
31 service district within sixty calendar days of being notified under RCW
32 28A.315.195 (7) or (8).

33 (2) Within thirty calendar days of the hearing under subsection (1)
34 of this section, or final hearing if more than one is held by the
35 committee, the committee shall issue its written findings and decision
36 to approve or disapprove the proposed transfer of territory. The

1 educational service district superintendent shall transmit a copy of
2 the committee's decision to the superintendents of the affected school
3 districts within ten calendar days.

4 (3) In carrying out the purposes of RCW 28A.315.015 and in making
5 decisions as authorized under RCW 28A.315.095(1), the regional
6 committee shall base its judgment upon whether and to the extent the
7 proposed change in school district organization complies with RCW
8 28A.315.015(2) and rules adopted by the superintendent of public
9 instruction under chapter 34.05 RCW.

10 (4) The rules under subsection (3) of this section shall provide
11 for giving consideration to all of the following:

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

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

20 (c) ~~The history and relationship of the property affected to the~~
21 ~~students and communities affected, including, for example, ((inclusion~~
22 ~~within a single school district, for school attendance and~~
23 ~~corresponding tax support purposes, of entire master planned~~
24 ~~communities that were or are to be developed pursuant to an integrated~~
25 ~~commercial and residential development plan with over one thousand~~
26 ~~dwelling units)) the impact of the growth management act and current or~~
27 ~~proposed urban growth areas, city boundaries, and master planned~~
28 ~~communities;~~

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

33 (e) All funding sources of the affected districts, equalization
34 among school districts of the tax burden for general fund and capital
35 purposes through a reduction in disparities in per pupil valuation when
36 all funding sources are considered, improvement in the economies in the
37 administration and operation of schools, and the extent the proposed

1 change would potentially reduce or increase the individual and
2 aggregate transportation costs of the affected school districts.

3 (5)(a)(i) A petitioner or school district may appeal a decision by
4 the regional committee to the superintendent of public instruction
5 based on the claim that the regional committee failed to follow the
6 applicable statutory and regulatory procedures or acted in an arbitrary
7 and capricious manner. Any such appeal shall be based on the record
8 and the appeal must be filed within thirty days of the final decision
9 of the regional committee. The appeal shall be heard and determined by
10 an administrative law judge in the office of administrative hearings,
11 based on the standards in (a)(ii) of this subsection.

12 (ii) If the administrative law judge finds that all applicable
13 procedures were not followed or that the regional committee acted in an
14 arbitrary and capricious manner, the administrative law judge shall
15 refer the matter back to the regional committee with an explanation of
16 his or her findings. The regional committee shall rehear the proposal.

17 (iii) If the administrative law judge finds that all applicable
18 procedures were followed or that the regional committee did not act in
19 an arbitrary and capricious manner, depending on the appeal, the
20 educational service district shall be notified and directed to
21 implement the changes.

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

25 **Sec. 3.** RCW 28A.315.085 and 2006 c 263 s 507 are each amended to
26 read as follows:

27 (1) The superintendent of public instruction shall furnish to
28 regional committees the services of employed personnel and the
29 materials and supplies necessary to enable them to perform the duties
30 imposed upon them by this chapter. (~~Members shall be reimbursed for~~
31 ~~expenses necessarily incurred by them in the performance of their~~
32 ~~duties in accordance with RCW 28A.315.155.~~)

33 (2) Costs that may be incurred by an educational service district
34 in association with school district negotiations under RCW 28A.315.195
35 and supporting the regional committee under RCW 28A.315.205 shall be
36 reimbursed by the state from such funds as are appropriated for these
37 purposes.

1 **Sec. 4.** RCW 28A.315.105 and 1985 c 385 s 2 are each amended to
2 read as follows:

3 (1) There is hereby created in each educational service district a
4 committee which shall be known as the regional committee on school
5 district organization, which committee shall be composed of not less
6 than seven nor more than nine registered voters of the educational
7 service district, the number to correspond with the number of board
8 member districts established for the governance of the educational
9 service district in which the regional committee is located.

10 (2) Members of each regional committee shall be appointed to serve
11 a four-year term by the educational service district board of the
12 district in which the regional committee is located. One member of the
13 regional committee shall be ((elected from the registered voters of))
14 appointed from each such educational service district board member
15 district. Appointed members of regional committees must be registered
16 voters and reside in the educational service district board member
17 district from which they are appointed. Members of regional committees
18 who were elected before the effective date of this section may serve
19 the remainder of their four-year terms. Vacancies occurring for any
20 reason, including at the end of the term of any member of a regional
21 committee who was elected before the effective date of this section,
22 shall be filled by appointment by the educational service district
23 board of directors as provided in this section.

24 (3) In the event of a change in the number of educational service
25 districts or in the number of educational service district board
26 members pursuant to chapter 28A.310 RCW, a new regional committee shall
27 be appointed for each affected educational service district at the
28 expiration of the terms of the majority of the members of the regional
29 committee. Those persons who were serving on a regional committee
30 within an educational service district affected by a change in the
31 number of districts or board members shall continue to constitute the
32 regional committee for the educational service district within which
33 they are registered to vote until the majority of a new board has been
34 appointed.

35 (4) No appointed member of a regional committee may continue to
36 serve on the committee if he or she ceases to be a registered voter of
37 the educational service district board member district or if he or she

1 is absent from three consecutive meetings of the committee without an
2 excuse acceptable to the committee.

3 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each
4 repealed:

5 (1) RCW 28A.315.125 (Regional committees--Election of members--
6 Qualifications) and 2006 c 263 s 508, 1993 c 416 s 2, 1990 c 33 s 295,
7 1985 c 385 s 4, & 1975-'76 2nd ex.s. c 15 s 1;

8 (2) RCW 28A.315.135 (Regional committees--Vacancies) and 1985 c 385
9 s 5, 1975 1st ex.s. c 275 s 81, 1969 ex.s. c 176 s 117, & 1969 ex.s. c
10 223 s 28A.57.033; and

11 (3) RCW 28A.315.145 (Regional committees--Terms of members) and
12 1993 c 416 s 3, 1990 c 33 s 296, 1985 c 385 s 6, & 1969 ex.s. c 223 s
13 28A.57.034.

14 **Sec. 6.** RCW 28A.323.020 and 2006 c 263 s 612 are each amended to
15 read as follows:

16 The duties in this chapter imposed upon and required to be
17 performed by a regional committee and by an educational service
18 district superintendent in connection with a change in the organization
19 and extent of school districts and/or with the adjustment of the assets
20 and liabilities of school districts and with all matters related to
21 such change or adjustment whenever territory lying in ~~((a single))~~ more
22 than one educational service district is involved shall be performed
23 ~~((jointly))~~ by the regional committee~~((s))~~ and by the
24 superintendent~~((s))~~ of the ~~((several))~~ educational service district~~((s~~
25 ~~as required whenever territory lying in more than one educational~~
26 ~~service district is involved in a proposed change in the organization~~
27 ~~and extent of school districts: PROVIDED, That a regional committee~~
28 ~~may designate three of its members, or two of its members and the~~
29 ~~educational service district superintendent, as a subcommittee to serve~~
30 ~~in lieu of the whole committee, but action by a subcommittee shall not~~
31 ~~be binding unless approved by a majority of the regional committee))~~ in
32 which is located the part of the proposed or enlarged school district
33 having the largest number of common school pupils residing therein.
34 Proposals for changes in the organization and extent of school
35 districts and proposed terms of adjustment of assets and liabilities
36 thus prepared and approved shall be submitted to the superintendent of

1 public instruction (~~by the regional committee of the educational~~
2 ~~service district in which is located the part of the proposed or~~
3 ~~enlarged district having the largest number of common school pupils~~
4 ~~residing therein~~)).

5 NEW SECTION. **Sec. 7.** RCW 28A.323.030 (School districts in two or
6 more educational service districts--Proposed change or adjustment--
7 Procedure when one committee does not approve or fails to act--
8 Temporary committee) and 1990 c 33 s 310, 1985 c 385 s 26, 1975 1st
9 ex.s. c 275 s 96, 1969 ex.s. c 176 s 132, & 1969 ex.s. c 223 s
10 28A.57.245 are each repealed.

11 NEW SECTION. **Sec. 8.** RCW 28A.323.020 is recodified as a new
12 section in chapter 28A.315 RCW.

13 **Sec. 9.** RCW 28A.343.070 and 1990 c 33 s 324 are each amended to
14 read as follows:

15 Each educational service district superintendent shall prepare and
16 keep in his or her office (~~((1))~~) a map showing the boundaries of the
17 directors' districts of all school districts in or belonging to his or
18 her educational service district that are so divided(~~(, and (2) a~~
19 ~~record of the action taken by the regional committee in establishing~~
20 ~~such boundaries~~)).

21 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
22 this act, referencing this act by bill or chapter number, is not
23 provided by June 30, 2008, in the omnibus appropriations act, this act
24 is null and void.

Passed by the House March 10, 2008.
Passed by the Senate March 7, 2008.
Approved by the Governor March 26, 2008.
Filed in Office of Secretary of State March 26, 2008.