

SENATE BILL REPORT

ESB 5364

AS PASSED SENATE, MARCH 15, 1991

Brief Description: Authorizing the state board of education to review public school siting decisions.

SPONSORS: Senators Roach, McCaslin and Stratton.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Madsen.

Staff: Martin Lovinger (786-7443)

Hearing Dates: February 11, 1991

BACKGROUND:

Local land use or zoning authorities issue final administrative decisions regarding the location of public schools on sites included in local land use or zoning plans. The local authority may refuse to allow a public school to locate on a particular site that is under a land use plan adopted by a municipality, code city, county or region. There is concern that land use plans and the authorities that enforce them do not give sufficient weight to the importance that the location of schools plays in meeting the educational needs of children.

SUMMARY:

When a municipal, county, or regional authority has made a final decision refusing to permit a public school to be located on a particular site under a land use plan adopted by the municipality, code city, county or region, the decision may be appealed by the school district board of directors to the State Board of Education. The school district board of directors may only appeal within 60 days after all administrative procedures have been exhausted and only if a majority of the board adopts a resolution to appeal the decision and submits a statement that all administrative procedures have been exhausted. The State Board of Education must review an appeal made in writing. If the State Board of Education determines that locating the school on that site would best serve the educational needs of the students, the school may be located on that site despite any provisions of the land use plan or zoning ordinances.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Schools need to be where children live. Present conditions are destroying the concept of neighborhood schools because they are losing the competition with developers. Decisions affecting education need to be in the hands of people whose primary concern is education. This bill provides an avenue of appeal when school planning is frustrated by future changes in zoning plans or growth management that would result in schools having to be built where they are not needed.

TESTIMONY AGAINST:

It is a complex issue to site schools and it is best served by discussion, deliberation and decision making at a local level where all interests including financing and planning will be considered.

TESTIFIED: Dr. J. Barchek, Enumclaw School District (pro); Gwenn Escher, Kent School District (pro); Harry Petersen, State Board of Education (pro); Dave Williams, Association of Washington Cities (con)