

CERTIFICATION OF ENROLLMENT  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1477

56th Legislature  
1999 Regular Session

Passed by the House April 19, 1999  
Yeas 97 Nays 0

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate April 12, 1999  
Yeas 48 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1477** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1477**

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AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

**State of Washington                      56th Legislature                      1999 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Haigh, Bush, Talcott, Linville, Santos and Edmonds; by request of Board of Education)

Read first time 03/08/1999.

1            AN ACT Relating to school district organization; amending RCW  
2 36.70A.035; adding new sections to chapter 28A.315 RCW; adding a new  
3 section to chapter 28A.300 RCW; adding new chapters to Title 28A RCW;  
4 recodifying RCW 28A.315.020, 28A.315.220, 28A.315.210, 28A.315.690,  
5 28A.315.700, 28A.315.710, 28A.315.720, 28A.315.040, 28A.315.050,  
6 28A.315.060, 28A.315.070, 28A.315.080, 28A.315.090, 28A.315.100,  
7 28A.315.350, 28A.315.360, 28A.315.370, 28A.315.380, 28A.315.390,  
8 28A.315.400, 28A.315.410, 28A.315.420, 28A.315.430, 28A.315.440,  
9 28A.315.450, 28A.315.650, 28A.315.470, 28A.315.480, 28A.315.490,  
10 28A.315.500, 28A.315.530, 28A.315.510, 28A.315.520, 28A.315.540,  
11 28A.315.570, 28A.315.460, 28A.315.600, 28A.315.610, 28A.315.620,  
12 28A.315.630, 28A.315.670, 28A.315.680, 28A.315.550, 28A.315.560,  
13 28A.315.580, 28A.315.590, 28A.315.593, 28A.315.660, 28A.315.597, and  
14 28A.315.640; and repealing RCW 28A.305.150, 28A.315.010, 28A.315.030,  
15 28A.315.110, 28A.315.120, 28A.315.130, 28A.315.140, 28A.315.150,  
16 28A.315.160, 28A.315.170, 28A.315.180, 28A.315.190, 28A.315.200,  
17 28A.315.230, 28A.315.240, 28A.315.250, 28A.315.260, 28A.315.270,  
18 28A.315.280, 28A.315.290, 28A.315.300, 28A.315.310, 28A.315.320,  
19 28A.315.330, 28A.315.340, and 28A.315.900.

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

1 NEW SECTION. **Sec. 1.** (1) Under the constitutional framework and  
2 the laws of the state of Washington, the governance structure for the  
3 state's public common school system is comprised of the following  
4 bodies: The legislature, the governor, the superintendent of public  
5 instruction, the state board of education, the educational service  
6 district boards of directors, and local school district boards of  
7 directors. The respective policy and administrative roles of each body  
8 are determined by the state Constitution and statutes.

9 (2) Local school districts are political subdivisions of the state  
10 and the organization of such districts, including the powers, duties,  
11 and boundaries thereof, may be altered or abolished by laws of the  
12 state of Washington.

13 **PART 1**  
14 **PURPOSE AND POLICY**

15 NEW SECTION. **Sec. 101.** PURPOSE--POLICY. (1) It is the purpose of  
16 this chapter to:

17 (a) Incorporate into a single, comprehensive, school district  
18 organization law all essential provisions governing:

19 (i) The formation and establishment of new school districts;

20 (ii) The alteration of the boundaries of existing districts; and

21 (iii) The adjustment of the assets and liabilities of school  
22 districts when changes are made under this chapter; and

23 (b) Establish methods and procedures whereby changes in the school  
24 district system may be brought about by the people concerned and  
25 affected.

26 (2) It is the state's policy that decisions on proposed changes in  
27 school district organization should be made, whenever possible, by  
28 negotiated agreement between the affected school districts. If the  
29 districts cannot agree, the decision shall be made by the regional  
30 committees on school district organization, based on the committees'  
31 best judgment, taking into consideration the following factors and  
32 factors under section 402 of this act:

33 (a) A balance of local petition requests and the needs of the  
34 state-wide community at large in a manner that advances the best  
35 interest of public education in the affected school districts and  
36 communities, the educational service district, and the state;

1 (b) Responsibly serving all of the affected citizens and students  
2 by contributing to logical service boundaries and recognizing a  
3 changing economic pattern within the educational service districts of  
4 the state;

5 (c) Enhancing the educational opportunities of pupils in the  
6 territory by reducing existing disparities among the affected school  
7 districts' ability to provide operating and capital funds through an  
8 equitable adjustment of the assets and liabilities of the affected  
9 districts;

10 (d) Promoting a wiser use of public funds through improvement in  
11 the school district system of the educational service districts and the  
12 state; and

13 (e) Other criteria or considerations as may be established in rule  
14 by the state board of education.

15 (3) It is neither the intent nor purpose of this chapter to apply  
16 to organizational changes and the procedure therefor relating to  
17 capital fund aid by nonhigh school districts as provided for in chapter  
18 28A.540 RCW.

19 **PART 2**

20 **GENERAL PROVISIONS**

21 NEW SECTION. **Sec. 201.** REORGANIZATION OF DISTRICTS. (1) A new  
22 school district may be formed comprising contiguous territory lying in  
23 either a single county or in two or more counties. The new district  
24 may comprise:

25 (a) Two or more whole school districts;

26 (b) Parts of two or more school districts; and/or

27 (c) Territory that is not a part of any school district if such  
28 territory is contiguous to the district to which it is transferred.

29 (2) The boundaries of existing school districts may be altered:

30 (a) By the transfer of territory from one district to another  
31 district;

32 (b) By the consolidation of one or more school districts with one  
33 or more school districts; or

34 (c) By the dissolution and annexation to a district of a part or  
35 all of one or more other districts or of territory that is not a part  
36 of any school district: PROVIDED, That such territory shall be  
37 contiguous to the district to which it is transferred or annexed.

1 (3) Territory may be transferred or annexed to or consolidated with  
2 an existing school district without regard to county boundaries.

3 NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.300  
4 RCW to read as follows:

5 CLASSIFICATION--NUMBERING SYSTEM--CHANGE OF CLASSIFICATION. (1)  
6 The superintendent of public instruction is responsible for the  
7 classification and numbering system of school districts.

8 (2) Any school district in the state that has a student enrollment  
9 in its public schools of two thousand pupils or more, as shown by  
10 evidence acceptable to the educational service district superintendent  
11 and the superintendent of public instruction, is a school district of  
12 the first class. Any other school district is a school district of the  
13 second class.

14 (3) Whenever the educational service district superintendent finds  
15 that the classification of a school district should be changed, and  
16 upon the approval of the superintendent of public instruction, the  
17 educational service district superintendent shall make an order in  
18 conformity with his or her findings and alter the records of his or her  
19 office accordingly. Thereafter, the board of directors of the district  
20 shall organize in the manner provided by law for the organization of  
21 the board of a district of the class to which the district then  
22 belongs.

23 (4) Notwithstanding any other provision of chapter 43, Laws of  
24 1975, the educational service district superintendent, with the  
25 concurrence of the superintendent of public instruction, may delay  
26 approval of a change in classification of any school district for a  
27 period not exceeding three years when, in fact, the student enrollment  
28 of the district within any such time period does not exceed ten  
29 percent, either in a decrease or increase thereof.

30 NEW SECTION. **Sec. 203.** CONFLICTING OR INCORRECTLY DESCRIBED  
31 SCHOOL DISTRICT BOUNDARIES--CHANGES. In case the boundaries of any of  
32 the school districts are conflicting or incorrectly described, the  
33 educational service district board of directors, after due notice and  
34 a public hearing, shall change, harmonize, and describe them and shall  
35 so certify, with a complete transcript of boundaries of all districts  
36 affected, such action to the state board for its approval or revision.  
37 Upon receipt of notification of state board action, the educational

1 service district superintendent shall transmit to the county  
2 legislative authority of the county or counties in which the affected  
3 districts are located a complete transcript of the boundaries of all  
4 districts affected.

5 NEW SECTION. **Sec. 204.** DISTRICT BOUNDARY CHANGES--SUBMISSION TO  
6 COUNTY AUDITOR. (1) Any district boundary changes shall be submitted  
7 to the county auditor by the educational service district  
8 superintendent within thirty days after the changes have been approved  
9 in accordance with this chapter. The superintendent shall submit both  
10 legal descriptions and maps.

11 (2) Any boundary changes submitted to the county auditor after the  
12 fourth Monday in June of odd-numbered years does not take effect until  
13 the following calendar year.

14 NEW SECTION. **Sec. 205.** EFFECT OF CHANGES--EXISTING PROVISIONS NOT  
15 AFFECTED. (1) Any proposed change in school district organization  
16 initiated before the effective date of this act shall be considered  
17 under the laws and rules in effect before the effective date of this  
18 act. This act applies to any proposed change in school district  
19 organization initiated on or after the effective date of this act.

20 (2) For purposes of this section, "initiated" means the filing of  
21 a petition, the motion of a school board, or the report of an  
22 educational service district. This section does not preclude the  
23 filing of a new petition on or after the effective date of this act  
24 where the same or a similar proposal was filed before the effective  
25 date of this act.

26 NEW SECTION. **Sec. 206.** PERSONNEL AND SUPPLIES--EXPENSES--  
27 REIMBURSEMENT. (1) The superintendent of public instruction shall  
28 furnish to the state board and to regional committees the services of  
29 employed personnel and the materials and supplies necessary to enable  
30 them to perform the duties imposed upon them by this chapter and shall  
31 reimburse the members thereof for expenses necessarily incurred by them  
32 in the performance of their duties, such reimbursement for regional  
33 committee members to be in accordance with RCW 28A.315.090 (as  
34 recodified by this act), and such reimbursement for state board members  
35 to be in accordance with RCW 28A.305.120.

1 (2) Costs that may be incurred by an educational service district  
2 in association with school district negotiations under section 401 of  
3 this act and supporting the regional committee under section 402 of  
4 this act shall be reimbursed by the state from such funds as are  
5 appropriated for these purposes.

6 **PART 3**

7 **REGIONAL COMMITTEES ON SCHOOL DISTRICT ORGANIZATION**

8 NEW SECTION. **Sec. 301.** REGIONAL COMMITTEES--POWERS AND DUTIES.

9 The powers and duties of each regional committee are to:

10 (1) Hear and approve or disapprove proposals for changes in the  
11 organization and extent of school districts in the educational service  
12 districts when a hearing on a proposal has been requested under section  
13 401 of this act;

14 (2) Act on notices and proposals from the educational service  
15 district under section 501 of this act;

16 (3) Make an equitable adjustment of the property and other assets  
17 and of the liabilities, including bonded indebtedness and excess tax  
18 levies as otherwise authorized under this section, as to the old school  
19 districts and the new district or districts, if any, involved in or  
20 affected by a proposed change in the organization and extent of the  
21 school districts;

22 (4) Make an equitable adjustment of the bonded indebtedness  
23 outstanding against any of the old and new districts whenever in its  
24 judgment such adjustment is advisable, as to all of the school  
25 districts involved in or affected by any change heretofore or hereafter  
26 effected;

27 (5) Provide that territory transferred from a school district by a  
28 change in the organization and extent of school districts shall either  
29 remain subject to, or be relieved of, any one or more excess tax levies  
30 that are authorized for the school district under RCW 84.52.053 before  
31 the effective date of the transfer of territory from the school  
32 district;

33 (6) Provide that territory transferred to a school district by a  
34 change in the organization and extent of school districts shall either  
35 be made subject to, or be relieved of, any one or more excess tax  
36 levies that are authorized for the school district under RCW 84.52.053

1 before the effective date of the transfer of territory to the school  
2 district;

3 (7) Establish the date by which a committee-approved transfer of  
4 territory shall take effect;

5 (8) Hold and keep a record of a public hearing or public hearings  
6 (a) on every proposal for the formation of a new school district or for  
7 the transfer from one existing district to another of any territory in  
8 which children of school age reside or for annexation of territory when  
9 the conditions set forth in RCW 28A.315.290 or 28A.315.320 prevail; and

10 (b) on every proposal for adjustment of the assets and of the  
11 liabilities of school districts provided for in this chapter. Three  
12 members of the regional committee or two members of the committee and  
13 the educational service district superintendent may be designated by  
14 the committee to hold any public hearing that the committee is required  
15 to hold. The regional committee shall cause notice to be given, at  
16 least ten days prior to the date appointed for any such hearing, in one  
17 or more newspapers of general circulation within the geographical  
18 boundaries of the school districts affected by the proposed change or  
19 adjustment. In addition notice may be given by radio and television,  
20 or either thereof, when in the committee's judgment the public interest  
21 will be served thereby; and

22 (9) Prepare and submit to the superintendent of public instruction  
23 from time to time or, upon his or her request, reports and  
24 recommendations respecting the urgency of need for school plant  
25 facilities, the kind and extent of the facilities required, and the  
26 development of improved local school administrative units and  
27 attendance areas in the case of school districts that seek state  
28 assistance in providing school plant facilities.

29 NEW SECTION. **Sec. 302.** POWERS AND DUTIES OF STATE BOARD. The  
30 powers and duties of the state board with respect to this chapter shall  
31 be:

32 (1) To aid regional committees in the performance of their duties  
33 by furnishing them with plans of procedure, standards, data, maps,  
34 forms, and other necessary materials and services essential to a study  
35 and understanding of the problems of school district organization in  
36 their respective educational service districts.

37 (2) To hear appeals as provided in section 402 of this act.



1        NEW SECTION.    **Sec. 303.**    ANNUAL TRAINING.    To the extent funds are  
2 appropriated, the superintendent of public instruction, in cooperation  
3 with the educational service districts and the Washington state school  
4 directors' association, shall conduct an annual training meeting for  
5 the regional committees, state board members, educational service  
6 district superintendents, and local school district superintendents and  
7 boards of directors.    Training may also be provided upon request.

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**PART 4**  
**TRANSFER OF TERRITORY**

10        NEW SECTION.    **Sec. 401.**    TRANSFER OF TERRITORY--REQUIREMENTS--  
11 RESPONSIBILITIES OF SCHOOL DISTRICT BOARD OF DIRECTORS.    (1) A proposed  
12 change in school district organization by transfer of territory from  
13 one school district to another may be initiated by a petition in  
14 writing presented to the educational service district superintendent:

15        (a) Signed by at least ten percent of the registered voters  
16 residing in the territory proposed to be transferred; or

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

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

23        (3) The educational service district superintendent shall not  
24 complete any transfer of territory under this section that involves ten  
25 percent or more of the common school student population of the entire  
26 district from which the transfer is proposed, unless the educational  
27 service district superintendent has first called and held a special  
28 election of the voters of the entire school district from which the  
29 transfer of territory is proposed.    The purpose of the election is to  
30 afford those voters an opportunity to approve or reject the proposed  
31 transfer.    A simple majority shall determine approval or rejection.

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

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

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

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

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

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

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

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

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

26 (8) If the affected school districts cannot come to agreement about  
27 the proposed transfer of territory initiated by citizen petition, and  
28 the districts do not request the services of a mediator or the mediator  
29 was unable to bring the districts to agreement, the district in which  
30 the citizens who filed the petition reside shall file with the  
31 educational service district superintendent a written request for a  
32 hearing by the regional committee, unless a majority of the citizen  
33 petitioners request otherwise.

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

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

1           NEW SECTION.           **Sec. 402.**           TRANSFER OF TERRITORY--REGIONAL

2 COMMITTEE--RESPONSIBILITIES. (1) The chair of the regional committee  
3 shall schedule a hearing on the proposed transfer of territory at a  
4 location in the educational service district within sixty calendar days  
5 of being notified under section 401 (7) or (8) of this act.

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

13           (3) In carrying out the purposes of section 101 of this act and in  
14 making decisions as authorized under section 301(1) of this act, the  
15 regional committee shall base its judgment upon whether and to the  
16 extent the proposed change in school district organization complies  
17 with section 101(2) of this act and rules adopted by the state board  
18 under chapter 34.05 RCW.

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

21           (a) The annual school performance reports required under RCW  
22 28A.320.205 in the affected districts and improvement of the  
23 educational opportunities of pupils in the territory proposed for a  
24 change in school district organization;

25           (b) The safety and welfare of pupils. For the purposes of this  
26 subsection, "safety" means freedom or protection from danger, injury,  
27 or damage and "welfare" means a positive condition or influence  
28 regarding health, character, and well being;

29           (c) The history and relationship of the property affected to the  
30 students and communities affected, including, for example, inclusion  
31 within a single school district, for school attendance and  
32 corresponding tax support purposes, of entire master planned  
33 communities that were or are to be developed pursuant to an integrated  
34 commercial and residential development plan with over one thousand  
35 dwelling units;

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

1 (e) All funding sources of the affected districts, equalization  
2 among school districts of the tax burden for general fund and capital  
3 purposes through a reduction in disparities in per pupil valuation when  
4 all funding sources are considered, improvement in the economies in the  
5 administration and operation of schools, and the extent the proposed  
6 change would potentially reduce or increase the individual and  
7 aggregate transportation costs of the affected school districts.

8 (5)(a)(i) A petitioner or school district may appeal a decision by  
9 the regional committee to approve a change in school district  
10 organization to the state board based on the claim that the regional  
11 committee failed to follow the applicable statutory and regulatory  
12 procedures or acted in an arbitrary and capricious manner. Any such  
13 appeal shall be based on the record and the appeal must be filed within  
14 thirty days of the final decision of the regional committee.

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

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

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

27 NEW SECTION. **Sec. 403.** TRANSFER OF TERRITORY--APPROVAL OF  
28 PROPOSED TRANSFER--ORDER. (1) Upon receipt by the educational service  
29 district superintendent of a written agreement by two or more school  
30 districts to the transfer of territory between the affected districts,  
31 the superintendent shall make an order establishing all approved  
32 changes involving the alteration of the boundaries of the affected  
33 districts. The order shall also establish all approved terms of the  
34 equitable adjustment of assets and liabilities involving the affected  
35 districts. The superintendent shall certify his or her action to each  
36 county auditor, each county treasurer, each county assessor, and the  
37 superintendents of all school districts affected by the action.

1 (2) Upon receipt by the educational service district superintendent  
2 of a written order by the regional committee approving the transfer of  
3 territory between two or more school districts, the superintendent  
4 shall make an order establishing all approved changes involving the  
5 alteration of the boundaries of the affected districts. The order may  
6 not be implemented before the period of appeal authorized under section  
7 402(5)(a)(i) of this act has ended. The order shall also establish all  
8 approved terms of the equitable adjustment of assets and liabilities  
9 involving the affected districts. The superintendent shall certify his  
10 or her action to each county auditor, each county treasurer, each  
11 county assessor, and the superintendents of all school districts  
12 affected by the action.

13 **PART 5**

14 **DISSOLUTION AND ANNEXATION OF TERRITORY**

15 NEW SECTION. **Sec. 501.** DISSOLUTION AND ANNEXATION OF CERTAIN  
16 DISTRICTS--ANNEXATION OF NONDISTRICT PROPERTY. In case any school  
17 district has an average enrollment of fewer than five kindergarten  
18 through eighth grade pupils during the preceding school year or has not  
19 made a reasonable effort to maintain, during the preceding school year  
20 at least the minimum term of school required by law, the educational  
21 service district superintendent shall report that fact to the regional  
22 committee, which committee shall dissolve the school district and annex  
23 the territory thereof to some other district or districts. For the  
24 purposes of this section, in addition to any other finding, "reasonable  
25 effort" shall be deemed to mean the attempt to make up whatever days  
26 are short of the legal requirement by conducting of school classes on  
27 any days to include available holidays, though not to include Saturdays  
28 and Sundays, prior to June 15th of that year. School districts  
29 operating an extended school year program, most commonly implemented as  
30 a 45-15 plan, shall be deemed to be making a reasonable effort. In the  
31 event any school district has suffered any interruption in its normal  
32 school calendar due to a strike or other work stoppage or slowdown by  
33 any of its employees that district shall not be subject to this  
34 section. In case any territory is not a part of any school district,  
35 the educational service district superintendent shall present to the  
36 regional committee a proposal for the annexation of the territory to  
37 some contiguous district or districts.

PART 6

CONSOLIDATION OF TERRITORY

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3       NEW SECTION.   **Sec. 601.**   CONSOLIDATION--PETITION.   (1) A proposed  
4 change in school district organization by consolidation of territory  
5 from two or more school districts to form a new school district may be  
6 initiated by:

7       (a) A written petition presented to the educational service  
8 district superintendent signed by ten or more registered voters  
9 residing:

10       (i) In each whole district and in each part of a district proposed  
11 to be included in any single new district; or

12       (ii) In the territory of a proposed new district that comprises a  
13 part of only one or more districts and approved by the boards of  
14 directors of the affected school districts;

15       (b) A written petition presented to the educational service  
16 district superintendent signed by ten percent or more of the registered  
17 voters residing in such affected areas or area without the approval of  
18 the boards of directors of the affected school districts.

19       (2) The petition shall state the name and number of each district  
20 involved in or affected by the proposal to form the new district and  
21 shall describe the boundaries of the proposed new district. No more  
22 than one petition for consolidation of the same two school districts or  
23 parts thereof shall be considered during a school fiscal year.

24       (3) The educational service district superintendent may not  
25 complete any consolidation of territory under this section unless he or  
26 she has first called and held a special election of the voters of the  
27 affected districts to afford those voters an opportunity to approve or  
28 reject the proposed consolidation. A simple majority shall determine  
29 approval or rejection.

30       (4) If a proposed change in school district organization by  
31 consolidation of territory has been approved under this section, the  
32 educational service district superintendent shall make an order  
33 establishing all approved changes involving the alteration of the  
34 boundaries of the affected districts. The order shall also establish  
35 all approved terms of the equitable adjustment of assets and  
36 liabilities involving the affected districts. The superintendent shall  
37 certify his or her action to each county auditor, each county

1 treasurer, each county assessor, and the superintendents of all school  
2 districts affected by the action.

3 **PART 7**

4 **ADJUSTMENT OF ASSETS AND LIABILITIES--**  
5 **BONDED INDEBTEDNESS--SPECIAL ELECTIONS**

6 NEW SECTION. **Sec. 701.** ADJUSTMENT OF ASSETS AND LIABILITIES. In  
7 determining an equitable adjustment of assets and liabilities, the  
8 negotiating school districts and the regional committee shall consider  
9 the following factors:

10 (1) The number of school age children residing in each school  
11 district and in each part of a district involved or affected by the  
12 proposed change in school district organization;

13 (2) The assessed valuation of the property located in each school  
14 district and in each part of a district involved or affected by the  
15 proposed change in school district organization;

16 (3) The purpose for which the bonded indebtedness of any school  
17 district involved or affected by the proposed change in school district  
18 organization was incurred;

19 (4) The history and relationship of the property affected to the  
20 students and communities affected by the proposed change in school  
21 district organization;

22 (5) Additional burdens to the districts affected by the proposed  
23 change in school district organization as a result of the proposed  
24 organization;

25 (6) The value, location, and disposition of all improvements  
26 located in the school districts involved or affected by the proposed  
27 change in school district organization;

28 (7) The consideration of all other sources of funding; and

29 (8) Any other factors that in the judgment of the school districts  
30 or regional committee are important or essential to the making of an  
31 equitable adjustment of assets and liabilities.

32 NEW SECTION. **Sec. 702.** ADJUSTMENT OF INDEBTEDNESS. (1) The fact  
33 of the issuance of bonds by a school district, heretofore or hereafter,  
34 does not prevent changes in the organization and extent of school  
35 districts, regardless of whether or not such bonds or any part thereof  
36 are outstanding at the time of change.

1 (2) In case of any change:

2 (a) The bonded indebtedness outstanding against any school district  
3 involved in or affected by such change shall be adjusted equitably  
4 among the old school districts and the new district or districts, if  
5 any, involved or affected; and

6 (b) The property and other assets and the liabilities other than  
7 bonded indebtedness of any school district involved in or affected by  
8 any such change shall also be adjusted in the manner and to the effect  
9 provided for in this section, except if all the territory of an old  
10 school district is included in a single new district or is annexed to  
11 a single existing district, in which event the title to the property  
12 and other assets and the liabilities other than bonded indebtedness of  
13 the old district vests in and becomes the assets and liabilities of the  
14 new district or of the existing district, as applicable.

15 NEW SECTION. **Sec. 703.** ADJUSTMENT OF BONDED INDEBTEDNESS--SPECIAL  
16 ELECTIONS. If adjustments of bonded indebtedness are made between or  
17 among school districts in connection with the alteration of the  
18 boundaries of the school districts under this chapter, the order of the  
19 educational service district superintendent establishing the terms of  
20 adjustment of bonded indebtedness shall provide and specify:

21 (1) In every case where bonded indebtedness is transferred from one  
22 school district to another school district:

23 (a) That such bonded indebtedness is assumed by the school district  
24 to which it is transferred;

25 (b) That thereafter such bonded indebtedness shall be the  
26 obligation of the school district to which it is transferred;

27 (c) That, if the terms of adjustment so provide, any bonded  
28 indebtedness thereafter incurred by such transferee school district  
29 through the sale of bonds authorized before the date its boundaries  
30 were altered shall be the obligation of such school district including  
31 the territory added thereto; and

32 (d) That taxes shall be levied thereafter against the taxable  
33 property located within such school district as it is constituted after  
34 its boundaries were altered, the taxes to be levied at the times and in  
35 the amounts required to pay the principal of and the interest on the  
36 bonded indebtedness assumed or incurred, as the same become due and  
37 payable.



1 (2) In computing the debt limitation of any school district from  
2 which or to which bonded indebtedness has been transferred, the amount  
3 of transferred bonded indebtedness at any time outstanding:

4 (a) Shall be an offset against and deducted from the total bonded  
5 indebtedness, if any, of the school district from which the bonded  
6 indebtedness was transferred; and

7 (b) Shall be deemed to be bonded indebtedness solely of the  
8 transferee school district that assumed the indebtedness.

9 (3) In every case where adjustments of bonded indebtedness do  
10 not provide for transfer of bonded indebtedness from one school  
11 district to another school district:

12 (a) That the existing bonded indebtedness of each school district,  
13 the boundaries of which are altered and any bonded indebtedness  
14 incurred by each such school district through the sale of bonds  
15 authorized before the date its boundaries were altered is the  
16 obligation of the school district in its reduced or enlarged form, as  
17 the case may be; and

18 (b) That taxes shall be levied thereafter against the taxable  
19 property located within each such school district in its reduced or  
20 enlarged form, as the case may be, at the times and in the amounts  
21 required to pay the principal of and interest on such bonded  
22 indebtedness as the same become due and payable.

23 (4) If a change in school district organization approved by the  
24 regional committee concerns a proposal to form a new school district or  
25 a proposal for adjustment of bonded indebtedness involving an  
26 established school district and one or more former school districts now  
27 included therein pursuant to a vote of the people concerned, a special  
28 election of the voters residing within the territory of the proposed  
29 new district, or of the established district involved in a proposal for  
30 adjustment of bonded indebtedness as the case may be, shall be held for  
31 the purpose of affording those voters an opportunity to approve or  
32 reject such proposals as concern or affect them.

33 (5) In a case involving both the question of the formation of a new  
34 school district and the question of adjustment of bonded indebtedness,  
35 the questions may be submitted to the voters either in the form of a  
36 single proposition or as separate propositions, whichever seems  
37 expedient to the educational service district superintendent. When the  
38 regional committee has passed appropriate resolutions for the questions  
39 to be submitted and the educational service district superintendent has

1 given notice thereof to the county auditor, the special election shall  
2 be called and conducted, and the returns canvassed as in regular school  
3 district elections.

4 NEW SECTION. **Sec. 704.** NOTICE OF ELECTIONS. Notice of special  
5 elections as provided for in section 703 of this act shall be given by  
6 the county auditor as provided in RCW 29.27.080. The notice of  
7 election shall state the purpose for which the election has been called  
8 and contain a description of the boundaries of the proposed new  
9 district and a statement of any terms of adjustment of bonded  
10 indebtedness on which to be voted.

11 NEW SECTION. **Sec. 705.** VOTE--DETERMINATION--ORDER--CERTIFICATION.  
12 (1) If a special election is held to vote on a proposal or alternate  
13 proposals to form a new school district, the votes cast by the  
14 registered voters in each component district shall be tabulated  
15 separately. Any such proposition shall be considered approved only if  
16 it receives a majority of the votes cast in each separate district  
17 voting thereon.

18 (2) If a special election is held to vote on a proposal for  
19 adjustment of bonded indebtedness, the entire vote cast by the  
20 registered voters of the proposed new district or of the established  
21 district as the case may be shall be tabulated. Any such proposition  
22 shall be considered approved if sixty percent or more of all votes cast  
23 thereon are in the affirmative.

24 (3) In the event of approval of a proposition or propositions voted  
25 on at a special election, the educational service district  
26 superintendent shall:

27 (a) Make an order establishing such new school district or such  
28 terms of adjustment of bonded indebtedness or both, as were approved by  
29 the registered voters and shall also order such other terms of  
30 adjustment, if there are any, of property and other assets and of  
31 liabilities other than bonded indebtedness as have been approved by the  
32 state council; and

33 (b) Certify his or her action to the county and school district  
34 officials specified in section 403 of this act. The educational  
35 service district superintendent may designate, with the approval of the  
36 superintendent of public instruction, a name and number different from  
37 that of any component thereof, but must designate the new district by

1 name and number different from any other district in existence in the  
2 county.

3 (4) The educational service district superintendent shall fix as  
4 the effective date of any order or orders he or she is required to make  
5 by this chapter, the date specified in the order of final approval of  
6 any change in the organization and extent of school districts or of any  
7 terms of adjustment of the assets and liabilities of school districts  
8 subject, for taxing purposes, to the redrawing of taxing district  
9 boundaries under RCW 84.09.030, by the regional committee.

10 (5) Upon receipt of certification under this section, the  
11 superintendent of each school district that is included in the new  
12 district shall deliver to the superintendent of the new school district  
13 those books, papers, documents, records, and other materials pertaining  
14 to the territory transferred.

15 NEW SECTION. **Sec. 706.** REJECTION OF PROPOSAL--PROCEDURE. If a  
16 proposal for the formation of a new school district and for adjustment  
17 of bonded indebtedness, or either, is rejected by the registered voters  
18 at a special election, the matter is terminated.

19 NEW SECTION. **Sec. 707.** CORPORATE EXISTENCE--PAYMENT OF BONDED  
20 INDEBTEDNESS--LEVY AUTHORITY. (1) Each school district involved in or  
21 affected by any change made in the organization and extent of school  
22 districts under this chapter retains its corporate existence insofar as  
23 is necessary for the purpose, until the bonded indebtedness outstanding  
24 against it on and after the effective date of the change has been paid  
25 in full. This section may not be construed to prevent, after the  
26 effective date of the change, such adjustments of bonded indebtedness  
27 as are provided for in this chapter.

28 (2) The county legislative authority shall provide, by appropriate  
29 levies on the taxable property of each school district, for the payment  
30 of the bonded indebtedness outstanding against it after any of the  
31 changes or adjustments under this chapter have been effected.

32 (3) In case any such changes or adjustments involve a joint school  
33 district, the tax levy for the payment of any bonded indebtedness  
34 outstanding against the joint district, after the changes or  
35 adjustments are effected, shall be made and the proceeds thereof shall  
36 be transmitted, credited, and paid out in conformity with the

1 provisions of law applicable to the payment of the bonded indebtedness  
2 of joint school districts.

3 **Sec. 708.** RCW 36.70A.035 and 1997 c 429 s 9 are each amended to  
4 read as follows:

5 (1) The public participation requirements of this chapter shall  
6 include notice procedures that are reasonably calculated to provide  
7 notice to property owners and other affected and interested  
8 individuals, tribes, government agencies, businesses, school districts,  
9 and organizations of proposed amendments to comprehensive plans and  
10 development regulation. Examples of reasonable notice provisions  
11 include:

12 (a) Posting the property for site-specific proposals;

13 (b) Publishing notice in a newspaper of general circulation in the  
14 county, city, or general area where the proposal is located or that  
15 will be affected by the proposal;

16 (c) Notifying public or private groups with known interest in a  
17 certain proposal or in the type of proposal being considered;

18 (d) Placing notices in appropriate regional, neighborhood, ethnic,  
19 or trade journals; and

20 (e) Publishing notice in agency newsletters or sending notice to  
21 agency mailing lists, including general lists or lists for specific  
22 proposals or subject areas.

23 (2)(a) Except as otherwise provided in (b) of this subsection, if  
24 the legislative body for a county or city chooses to consider a change  
25 to an amendment to a comprehensive plan or development regulation, and  
26 the change is proposed after the opportunity for review and comment has  
27 passed under the county's or city's procedures, an opportunity for  
28 review and comment on the proposed change shall be provided before the  
29 local legislative body votes on the proposed change.

30 (b) An additional opportunity for public review and comment is not  
31 required under (a) of this subsection if:

32 (i) An environmental impact statement has been prepared under  
33 chapter 43.21C RCW for the pending resolution or ordinance and the  
34 proposed change is within the range of alternatives considered in the  
35 environmental impact statement;

36 (ii) The proposed change is within the scope of the alternatives  
37 available for public comment;

1 (iii) The proposed change only corrects typographical errors,  
2 corrects cross-references, makes address or name changes, or clarifies  
3 language of a proposed ordinance or resolution without changing its  
4 effect;

5 (iv) The proposed change is to a resolution or ordinance making a  
6 capital budget decision as provided in RCW 36.70A.120; or

7 (v) The proposed change is to a resolution or ordinance enacting a  
8 moratorium or interim control adopted under RCW 36.70A.390.

9 (3) This section is prospective in effect and does not apply to a  
10 comprehensive plan, development regulation, or amendment adopted before  
11 July 27, 1997.

12 **PART 8**

13 **MISCELLANEOUS PROVISIONS**

14 NEW SECTION. **Sec. 801.** The following acts or parts of acts are  
15 each repealed:

16 (1) RCW 28A.305.150 (Classification, numbering system of school  
17 districts--Rules and regulations for) and 1971 c 54 s 1 & 1969 ex.s. c  
18 223 s 28A.04.130;;

19 (2) RCW 28A.315.010 (Purpose) and 1990 c 33 s 292 & 1969 ex.s. c  
20 223 s 28A.57.010;

21 (3) RCW 28A.315.030 (County regional committee members--Assignment  
22 of committee member position numbers) and 1993 c 416 s 1, 1990 c 33 s  
23 294, & 1985 c 385 s 30;

24 (4) RCW 28A.315.110 (Regional committees--Powers and duties) and  
25 1991 c 288 s 2;

26 (5) RCW 28A.315.120 (Regional committees--Recommendations--  
27 Standards) and 1990 c 33 s 299, 1985 c 385 s 10, & 1969 ex.s. c 223 s  
28 28A.57.055;

29 (6) RCW 28A.315.130 (Changing conflicting or incorrectly described  
30 school district boundaries) and 1985 c 385 s 11 & 1971 ex.s. c 282 s  
31 26;

32 (7) RCW 28A.315.140 (Powers and duties of state board, generally)  
33 and 1990 c 33 s 300, 1987 c 100 s 2, 1985 c 385 s 12, & 1969 ex.s. c  
34 223 s 28A.57.060;

35 (8) RCW 28A.315.150 (Action upon board's report) and 1990 c 33 s  
36 301, 1985 c 385 s 13, 1975 1st ex.s. c 275 s 84, 1969 ex.s. c 176 s  
37 121, & 1969 ex.s. c 223 s 28A.57.070;

1 (9) RCW 28A.315.160 (Adjustment of bonded indebtedness--Special  
2 election in certain cases) and 1985 c 385 s 14, 1975 1st ex.s. c 275 s  
3 85, 1969 ex.s. c 176 s 122, & 1969 ex.s. c 223 s 28A.57.075;

4 (10) RCW 28A.315.170 (Notice of election--Contents) and 1990 c 33  
5 s 302, 1985 c 385 s 15, 1975 1st ex.s. c 275 s 86, 1971 c 48 s 26, &  
6 1969 ex.s. c 223 s 28A.57.080;

7 (11) RCW 28A.315.180 (Vote, how determined--ESD superintendent's  
8 order--Certification--Effective date) and 1990 c 33 s 303, 1985 c 385  
9 s 16, 1975 1st ex.s. c 275 s 87, 1969 ex.s. c 176 s 123, & 1969 ex.s.  
10 c 223 s 28A.57.090;

11 (12) RCW 28A.315.190 (Procedure upon rejection of proposal) and  
12 1985 c 385 s 17 & 1969 ex.s. c 223 s 28A.57.100;

13 (13) RCW 28A.315.200 (Personnel and supplies to be furnished by  
14 state superintendent--Expenses reimbursed) and 1990 c 33 s 304, 1985 c  
15 385 s 18, & 1969 ex.s. c 223 s 28A.57.110;

16 (14) RCW 28A.315.230 (Classes of districts--Change of  
17 classification) and 1991 c 116 s 25, 1990 c 33 s 306, & 1975-'76 2nd  
18 ex.s. c 15 s 3;

19 (15) RCW 28A.315.240 (Classes of districts--Change of  
20 classification--Delay of authorized) and 1975 c 43 s 35;

21 (16) RCW 28A.315.250 (City or town districts) and 1997 c 47 s 1,  
22 1985 c 385 s 19, 1975 1st ex.s. c 275 s 90, 1969 ex.s. c 176 s 126, &  
23 1969 ex.s. c 223 s 28A.57.150;

24 (17) RCW 28A.315.260 (Reorganization of districts by transfer of  
25 territory or annexation) and 1969 ex.s. c 223 s 28A.57.160;

26 (18) RCW 28A.315.270 (Petition for reorganization--Conditions) and  
27 1985 c 385 s 20, 1982 c 191 s 1, 1975 1st ex.s. c 275 s 91, 1969 ex.s.  
28 c 176 s 127, & 1969 ex.s. c 223 s 28A.57.170;

29 (19) RCW 28A.315.280 (Transfer of territory--By petition--By ESD  
30 superintendent--When election required) and 1985 c 385 s 21, 1975 1st  
31 ex.s. c 275 s 92, 1969 ex.s. c 176 s 128, & 1969 ex.s. c 223 s  
32 28A.57.180;

33 (20) RCW 28A.315.290 (Annexation of district bounded on three sides  
34 by high school district) and 1985 c 385 s 22, 1975 1st ex.s. c 275 s  
35 93, 1969 ex.s. c 176 s 129, & 1969 ex.s. c 223 s 28A.57.190;

36 (21) RCW 28A.315.300 (Single school district for certain United  
37 States military reservations--Mandated) and 1990 c 33 s 307 & 1972  
38 ex.s. c 63 s 1;

1 (22) RCW 28A.315.310 (Single school district for certain United  
2 States military reservations--Procedure--Limitations) and 1990 c 33 s  
3 308, 1985 c 385 s 23, & 1972 ex.s. c 63 s 2;

4 (23) RCW 28A.315.320 (Dissolution and annexation of certain  
5 districts--Annexation of nondistrict property) and 1985 c 385 s 24 &  
6 1975-'76 2nd ex.s. c 15 s 4;

7 (24) RCW 28A.315.330 (Adjustment of indebtedness--Basis) and 1969  
8 ex.s. c 223 s 28A.57.210;

9 (25) RCW 28A.315.340 (Corporate existence retained to pay bonded  
10 indebtedness--Tax levies--Joint school districts) and 1969 ex.s. c 223  
11 s 28A.57.220; and

12 (26) RCW 28A.315.900 (Proceedings as of July 28, 1985--Effect of  
13 1985 c 385) and 1990 c 33 s 329 & 1985 c 385 s 38.

14 NEW SECTION. **Sec. 802.** (1) RCW 28A.315.020 and 28A.315.220 are  
15 recodified as new sections in chapter 28A.315 RCW, to be codified in  
16 Part 2 of this act before section 201.

17 (2) RCW 28A.315.210 is recodified as a new section in chapter  
18 28A.315 RCW, to be codified after section 707 of this act.

19 (3) RCW 28A.315.690, 28A.315.700, 28A.315.710, and 28A.315.720, are  
20 recodified as new sections in chapter 28A.315 RCW, to be codified after  
21 section 206 of this act.

22 (4) RCW 28A.315.040, 28A.315.050, 28A.315.060, 28A.315.070,  
23 28A.315.080, 28A.315.090, and 28A.315.100 are recodified as new  
24 sections in chapter 28A.315 RCW, to be codified in Part 3 of this act  
25 after section 301 of this act.

26 NEW SECTION. **Sec. 803.** The following sections are each recodified  
27 as a new chapter in Title 28A RCW:

28 RCW 28A.315.350

29 RCW 28A.315.360

30 RCW 28A.315.370

31 RCW 28A.315.380

32 RCW 28A.315.390

33 RCW 28A.315.400

34 RCW 28A.315.410

35 RCW 28A.315.420

36 RCW 28A.315.430

37 RCW 28A.315.440

1        NEW SECTION.    **Sec. 804.**    The following sections are each recodified  
2 as a new chapter in Title 28A RCW:  
3        RCW 28A.315.450  
4        RCW 28A.315.650  
5        RCW 28A.315.470  
6        RCW 28A.315.480  
7        RCW 28A.315.490  
8        RCW 28A.315.500  
9        RCW 28A.315.530  
10       RCW 28A.315.510  
11       RCW 28A.315.520  
12       RCW 28A.315.540

13       NEW SECTION.    **Sec. 805.**    The following sections are each recodified  
14 as a new chapter in Title 28A RCW:  
15       RCW 28A.315.570  
16       RCW 28A.315.460  
17       RCW 28A.315.600  
18       RCW 28A.315.610  
19       RCW 28A.315.620  
20       RCW 28A.315.630  
21       RCW 28A.315.670  
22       RCW 28A.315.680  
23       RCW 28A.315.550

24       NEW SECTION.    **Sec. 806.**    The following sections are each recodified  
25 as a new chapter in Title 28A RCW:  
26       RCW 28A.315.560  
27       RCW 28A.315.580  
28       RCW 28A.315.590  
29       RCW 28A.315.593  
30       RCW 28A.315.660  
31       RCW 28A.315.597  
32       RCW 28A.315.640

33       NEW SECTION.    **Sec. 807.**    MORATORIUM ON PETITIONS.    The state board  
34 may, at its discretion, declare a moratorium on new petitions until  
35 such time as the rules have been adopted to implement chapter . . . ,  
36 Laws of 1999 (this act).    The state board shall adopt emergency rules



1 necessary to begin consideration of changes initiated after the  
2 effective date of this act.

3 NEW SECTION. **Sec. 808.** PART HEADINGS AND SECTION CAPTIONS NOT  
4 LAW. Part headings and section captions used in this act are not any  
5 part of the law.

6 NEW SECTION. **Sec. 809.** Sections 1, 101, 201, 203 through 206, 301  
7 through 303, 401 through 403, 501, 601, 701 through 707, 807, and 808  
8 of this act are each added to chapter 28A.315 RCW.

--- END ---