

HOUSE BILL REPORT

SB 5437

As Reported by House Committee On:

Education

Title: An act relating to appeals from decisions by the school district regional committee.

Brief Description: Allowing all parties to appeal from adverse decisions of school district regional committees.

Sponsors: Senators Benton, Schmidt, Zarelli, Shin, Carlson, Stevens and West.

Brief History:

Committee Activity:

Education: 3/27/03, 4/3/03 [DPA].

Brief Summary of Bill (As Amended by House Committee)

- Provides an agency appeal process for decisions to deny a proposed change to school district boundaries.
- Clarifies the student achievement data to be considered by the regional committee in its decision-making process.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 9 members: Representatives Quall, Chair; McDermott, Vice Chair; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson, Cox, Haigh, McMahan and Santos.

Minority Report: Without recommendation. Signed by 2 members: Representatives Hunter and Rockefeller.

Staff: Sydney Forrester (786-7120).

Background:

In 1999 the Legislature modified the process for changing school district boundaries by creating a petition process involving citizens, school districts, regional committees operating within each educational service district (ESD), and the State Board of Education

(SBE).

Both citizens and school district boards of directors may petition for a change in school district boundaries involving a transfer of territory from one district to another. Such a petition must be signed by at least 10 percent of the registered voters residing in the territory proposed to be transferred, or by the majority of the members of a school board in one of the districts affected by the proposed change in boundaries. The petition is submitted to the ESD and affected districts are notified and are required to negotiate the proposal. If the negotiating school boards are unable to reach an agreement, they may request the ESD superintendent to appoint a mediator. If the districts still are unable to reach agreement, and either don't request mediation, or are unable to reach agreement through mediation, either district may request a hearing before the ESD regional committee. In the case of a citizen petition, the district in which the citizens reside must file the request for a hearing.

In its review and decision-making process for petitions to change school district boundaries, the regional committee must consider the following:

- 1) The annual A+ school performance reports of the districts;
- 2) The safety and welfare of pupils;
- 3) The history and relationship of the property affected to the students and communities;
- 4) Geographic accessibility, including remoteness or isolation from places of residence and travel time to and from school; and
- 5) Funding sources, improvement in economies of school operation, and effects on transportation costs of the districts.

Within 30 days after the hearing, or after the final hearing if more than one is held, the regional committee must issue written findings and its decision to approve or disapprove the proposed transfer of territory.

Currently, regional committee decisions to approve a change in school district boundaries may be appealed to the SBE, but regional committee decisions to disapprove a proposed transfer of territory may be appealed to a superior court only.

Summary of Amended Bill:

All decisions by an ESD regional committee regarding a proposed change in school district boundaries may be appealed to the SBE. The SBE's review of denial decisions is governed by the same process and standards as its review of approval decisions. For the purposes of regional committee decisions and agency review of those decisions, the student achievement data to be considered is clarified.

Amended Bill Compared to Original Bill:

The striking amendment removes the provision allowing for appeal of regional committee decisions made in 2002, and clarifies the student achievement data the committee must consider in making its decisions.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is about providing fair and equal due process to the school district boundary change process. It allows school districts and citizens to bring an appeal for decisions denying a boundary change. There are no appeal rights for aggrieved petitioners and it is unclear whether and how the factors are considered in making the decisions. This bill allows all parties to appeal if it is believed the committee did not follow procedures or consider all the information. It creates a system of checks and balances in the process, otherwise the only option is in a court appeal.

(With concerns) There is concern the retroactive applicability will create a burden on the ESD boards. The current process does not adequately define territory and allows for small incremental changes and numerous petitions. The 10 percent threshold is too low and does not give adequate public notice.

Testimony Against: Current law does not allow appeals for decisions to deny boundary changes and it shouldn't be changed to allow an appeal just because someone doesn't like the decision. Regional committees were designed to address the petition process. School districts make exceptions to boundaries because schools are overcrowded, but then people want to make those exceptions permanent. Significant reasons exist for changing school district boundaries and regional committees should make those decisions, not the public.

Testified: (In support) Senator Benton, prime sponsor; Robert Collard, Lake Washington School District; Carol Van Ray, Riverview School Board; and Jennifer Zora.

(With concerns) Warren Smith, State Board of Education.

(Opposed) Bruce Hagensen, ESD 112 Regional Committee.