
SENATE BILL 5437

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; amending RCW 28A.315.205; and creating a new
3 section.

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

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

7 (1) The chair of the regional committee shall schedule a hearing on
8 the proposed transfer of territory at a location in the educational
9 service district within sixty calendar days of being notified under RCW
10 28A.315.195 (7) or (8).

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

18 (3) In carrying out the purposes of RCW 28A.315.015 and in making
19 decisions as authorized under RCW 28A.315.095(1), the regional

1 committee shall base its judgment upon whether and to the extent the
2 proposed change in school district organization complies with RCW
3 28A.315.015(2) and rules adopted by the state board under chapter 34.05
4 RCW.

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

7 (a) The annual school performance reports required under RCW
8 (~~(28A.320.205)~~) 28A.655.110 in the affected districts and improvement
9 of the educational opportunities of pupils in the territory proposed
10 for a change in school district organization;

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

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

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

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

33 (5)(a)(i) A petitioner or school district may appeal a decision by
34 the regional committee (~~(to approve a change in school district~~
35 ~~organization)~~) to the state board based on the claim that the regional
36 committee failed to follow the applicable statutory and regulatory
37 procedures or acted in an arbitrary and capricious manner. Any such
38 appeal shall be based on the record and the appeal must be filed within

1 thirty days of the final decision of the regional committee, except
2 that appeals of decisions made by the regional committee in 2002 to
3 deny a change in school district organization shall be made within
4 thirty days of the effective date of this section.

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 NEW SECTION. Sec. 2. The change in appeals process in RCW
18 28A.315.205 applies to decisions made by the regional committee
19 beginning January 1, 2002, and thereafter.

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