
HOUSE BILL 2011

State of Washington 59th Legislature 2005 Regular Session

By Representatives Anderson and McDermott

Read first time 02/15/2005. Referred to Committee on Education.

1 AN ACT Relating to decisions by regional committees on school
2 district organization; amending RCW 28A.315.195, 28A.315.015, and
3 28A.315.095; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the citizens of
6 Washington have long enjoyed the right to petition for a transfer of
7 territory between one school district and another and to have their
8 petition decided upon by a neutral body separate from either school
9 district. Recent legislation intended to encourage decisions about
10 school boundaries to be made at the local level by the affected school
11 boards was not intended to abrogate the right of citizens to have their
12 petition heard and decided by the educational service district regional
13 committee.

14 **Sec. 2.** RCW 28A.315.195 and 2003 c 413 s 2 are each amended to
15 read as follows:

16 (1) A proposed change in school district organization by transfer
17 of territory from one school district to another may be initiated by a

1 petition in writing presented to the educational service district
2 superintendent:

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

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

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 state board may establish rules limiting the frequency of
22 petitions that may be filed pertaining to territory included in whole
23 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~~
2 ~~about~~) agree to the proposed transfer of territory, the educational
3 service district superintendent, if requested by the affected
4 districts, shall appoint a mediator. The mediator has thirty days to
5 work with the affected school districts to see if an agreement can be
6 reached on the proposed transfer of territory.

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

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

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

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

28 **Sec. 3.** RCW 28A.315.015 and 1999 c 315 s 101 are each amended to
29 read as follows:

30 (1) It is the purpose of this chapter to:

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

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

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

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

1 (b) Establish methods and procedures whereby changes in the school
2 district system may be brought about by the people concerned and
3 affected.

4 (2) It is the state's policy that decisions on proposed changes in
5 school district organization should be made, whenever possible, by
6 negotiated agreement between the affected school districts. If the
7 districts cannot agree to the proposed change, the decision shall be
8 made by the regional committees on school district organization, based
9 on the committees' best judgment, taking into consideration the
10 ~~((following factors and))~~ factors under RCW 28A.315.205(~~(+~~

11 ~~(a) A balance of local petition requests and the needs of the~~
12 ~~statewide community at large in a manner that advances the best~~
13 ~~interest of public education in the affected school districts and~~
14 ~~communities, the educational service district, and the state;~~

15 ~~(b) Responsibly serving all of the affected citizens and students~~
16 ~~by contributing to logical service boundaries and recognizing a~~
17 ~~changing economic pattern within the educational service districts of~~
18 ~~the state;~~

19 ~~(c) Enhancing the educational opportunities of pupils in the~~
20 ~~territory by reducing existing disparities among the affected school~~
21 ~~districts' ability to provide operating and capital funds through an~~
22 ~~equitable adjustment of the assets and liabilities of the affected~~
23 ~~districts;~~

24 ~~(d) Promoting a wiser use of public funds through improvement in~~
25 ~~the school district system of the educational service districts and the~~
26 ~~state; and~~

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

29 (3) It is neither the intent nor purpose of this chapter to apply
30 to organizational changes and the procedure therefor relating to
31 capital fund aid by nonhigh school districts as provided for in chapter
32 28A.540 RCW.

33 (4) A hearing by the regional committee under this chapter on a
34 proposed transfer of territory by a citizen-initiated petition is a
35 quasi-judicial function.

36 **Sec. 4.** RCW 28A.315.095 and 1999 c 315 s 301 are each amended to
37 read as follows:

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

2 (1) Hear and approve or disapprove proposals for changes in the
3 organization and extent of school districts in the educational service
4 districts when a hearing on a proposal has been requested under RCW
5 28A.315.195;

6 (2) Act on notices and proposals from the educational service
7 district under RCW 28A.315.225;

8 (3) Make an equitable adjustment of the property and other assets
9 and of the liabilities, including bonded indebtedness and excess tax
10 levies as otherwise authorized under this section, as to the old school
11 districts and the new district or districts, if any, involved in or
12 affected by a proposed change in the organization and extent of the
13 school districts;

14 (4) Make an equitable adjustment of the bonded indebtedness
15 outstanding against any of the old and new districts whenever in its
16 judgment such adjustment is advisable, as to all of the school
17 districts involved in or affected by any change heretofore or hereafter
18 effected;

19 (5) Provide that territory transferred from a school district by a
20 change in the organization and extent of school districts shall either
21 remain subject to, or be relieved of, any one or more excess tax levies
22 that are authorized for the school district under RCW 84.52.053 before
23 the effective date of the transfer of territory from the school
24 district;

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

31 (7) Establish the date by which a committee-approved transfer of
32 territory shall take effect, which date must be not later than twelve
33 months after the transfer is approved;

34 (8) Hold and keep a record of a public hearing or public hearings
35 (a) on every proposal for the formation of a new school district or for
36 the transfer from one existing district to another of any territory in
37 which children of school age reside or for annexation of territory when
38 the conditions set forth in RCW ((28A.315.290—~~or~~—28A.315.320))

1 28A.315.225 prevail; and (b) on every proposal for adjustment of the
2 assets and of the liabilities of school districts provided for in this
3 chapter. Three members of the regional committee or two members of the
4 committee and the educational service district superintendent may be
5 designated by the committee to hold any public hearing that the
6 committee is required to hold. The regional committee shall cause
7 notice to be given, at least ten days prior to the date appointed for
8 any such hearing, in one or more newspapers of general circulation
9 within the geographical boundaries of the school districts affected by
10 the proposed change or adjustment. In addition notice may be given by
11 radio and television, or either thereof, when in the committee's
12 judgment the public interest will be served thereby; and

13 (9) Prepare and submit to the superintendent of public instruction
14 from time to time or, upon his or her request, reports and
15 recommendations respecting the urgency of need for school plant
16 facilities, the kind and extent of the facilities required, and the
17 development of improved local school administrative units and
18 attendance areas in the case of school districts that seek state
19 assistance in providing school plant facilities.

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