

2SHB 2635 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED 03/07/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 28A.315.195 and 2006 c 263 s 502 are each amended to  
4 read as follows:

5 (1) A proposed change in school district organization by transfer  
6 of territory from one school district to another may be initiated by a  
7 petition in writing presented to the educational service district  
8 superintendent:

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

12 (b) Signed by a majority of the members of the board of directors  
13 of one of the districts affected by a proposed transfer of territory  
14 and providing documentation that, before signing the petition, the  
15 board of directors took the following actions:

16 (i) Communicated the proposed transfer to the board of directors of  
17 the affected district or districts and provided an opportunity for the  
18 board of the affected district or districts to respond; and

19 (ii) Communicated the proposed transfer to the registered voters  
20 residing in the territory proposed to be transferred, provided notice  
21 of a public hearing regarding the proposal, and provided the voters an  
22 opportunity to comment on the proposal at the public hearing.

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

27 (3) The educational service district superintendent shall not  
28 complete any transfer of territory under this section that involves ten  
29 percent or more of the common school student population of the entire  
30 district from which the transfer is proposed, unless the educational

1 service district superintendent has first called and held a special  
2 election of the voters of the entire school district from which the  
3 transfer of territory is proposed. The purpose of the election is to  
4 afford those voters an opportunity to approve or reject the proposed  
5 transfer. A simple majority shall determine approval or rejection.

6 (4) The superintendent of public instruction may establish rules  
7 limiting the frequency of petitions that may be filed pertaining to  
8 territory included in whole or in part in a previous petition.

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

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

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

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

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

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

24 (6) If the negotiating school boards cannot come to agreement about  
25 the proposed transfer of territory, the educational service district  
26 superintendent, if requested by the affected districts, shall appoint  
27 a mediator. The mediator has thirty days to work with the affected  
28 school districts to see if an agreement can be reached on the proposed  
29 transfer of territory.

30 (7) If the affected school districts cannot come to agreement about  
31 the proposed transfer of territory, and the districts do not request  
32 the services of a mediator or the mediator was unable to bring the  
33 districts to agreement, either district may file with the educational  
34 service district superintendent a written request for a hearing by the  
35 regional committee.

36 (8) If the affected school districts cannot come to agreement about  
37 the proposed transfer of territory initiated by citizen petition, and  
38 the districts do not request the services of a mediator or the mediator

1 was unable to bring the districts to agreement, the district in which  
2 the citizens who filed the petition reside shall file with the  
3 educational service district superintendent a written request for a  
4 hearing by the regional committee, unless a majority of the citizen  
5 petitioners request otherwise.

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

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

12 **Sec. 2.** RCW 28A.315.205 and 2006 c 263 s 503 are each amended to  
13 read as follows:

14 (1) The chair of the regional committee shall schedule a hearing on  
15 the proposed transfer of territory at a location in the educational  
16 service district within sixty calendar days of being notified under RCW  
17 28A.315.195 (7) or (8).

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

25 (3) In carrying out the purposes of RCW 28A.315.015 and in making  
26 decisions as authorized under RCW 28A.315.095(1), the regional  
27 committee shall base its judgment upon whether and to the extent the  
28 proposed change in school district organization complies with RCW  
29 28A.315.015(2) and rules adopted by the superintendent of public  
30 instruction under chapter 34.05 RCW.

31 (4) The rules under subsection (3) of this section shall provide  
32 for giving consideration to all of the following:

33 (a) Student educational opportunities as measured by the percentage  
34 of students performing at each level of the statewide mandated  
35 assessments and data regarding student attendance, graduation, and  
36 dropout rates;

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

5 (c) The history and relationship of the property affected to the  
6 students and communities affected, including, for example, ~~((inclusion  
7 within a single school district, for school attendance and  
8 corresponding tax support purposes, of entire master planned  
9 communities that were or are to be developed pursuant to an integrated  
10 commercial and residential development plan with over one thousand  
11 dwelling units))~~ the impact of the growth management act and current or  
12 proposed urban growth areas, city boundaries, and master planned  
13 communities;

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

18 (e) All funding sources of the affected districts, equalization  
19 among school districts of the tax burden for general fund and capital  
20 purposes through a reduction in disparities in per pupil valuation when  
21 all funding sources are considered, improvement in the economies in the  
22 administration and operation of schools, and the extent the proposed  
23 change would potentially reduce or increase the individual and  
24 aggregate transportation costs of the affected school districts.

25 (5)(a)(i) A petitioner or school district may appeal a decision by  
26 the regional committee to the superintendent of public instruction  
27 based on the claim that the regional committee failed to follow the  
28 applicable statutory and regulatory procedures or acted in an arbitrary  
29 and capricious manner. Any such appeal shall be based on the record  
30 and the appeal must be filed within thirty days of the final decision  
31 of the regional committee. The appeal shall be heard and determined by  
32 an administrative law judge in the office of administrative hearings,  
33 based on the standards in (a)(ii) of this subsection.

34 (ii) If the administrative law judge finds that all applicable  
35 procedures were not followed or that the regional committee acted in an  
36 arbitrary and capricious manner, the administrative law judge shall  
37 refer the matter back to the regional committee with an explanation of  
38 his or her findings. The regional committee shall rehear the proposal.

1 (iii) If the administrative law judge finds that all applicable  
2 procedures were followed or that the regional committee did not act in  
3 an arbitrary and capricious manner, depending on the appeal, the  
4 educational service district shall be notified and directed to  
5 implement the changes.

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

9 **Sec. 3.** RCW 28A.315.085 and 2006 c 263 s 507 are each amended to  
10 read as follows:

11 (1) The superintendent of public instruction shall furnish to  
12 regional committees the services of employed personnel and the  
13 materials and supplies necessary to enable them to perform the duties  
14 imposed upon them by this chapter. (~~Members shall be reimbursed for~~  
15 ~~expenses necessarily incurred by them in the performance of their~~  
16 ~~duties in accordance with RCW 28A.315.155.~~)

17 (2) Costs that may be incurred by an educational service district  
18 in association with school district negotiations under RCW 28A.315.195  
19 and supporting the regional committee under RCW 28A.315.205 shall be  
20 reimbursed by the state from such funds as are appropriated for these  
21 purposes.

22 **Sec. 4.** RCW 28A.315.105 and 1985 c 385 s 2 are each amended to  
23 read as follows:

24 (1) There is hereby created in each educational service district a  
25 committee which shall be known as the regional committee on school  
26 district organization, which committee shall be composed of not less  
27 than seven nor more than nine registered voters of the educational  
28 service district, the number to correspond with the number of board  
29 member districts established for the governance of the educational  
30 service district in which the regional committee is located.

31 (2) Members of each regional committee shall be appointed to serve  
32 a four-year term by the educational service district board of the  
33 district in which the regional committee is located. One member of the  
34 regional committee shall be (~~elected from the registered voters of~~)  
35 appointed from each such educational service district board member  
36 district. Appointed members of regional committees must be registered

1 voters and reside in the educational service district board member  
2 district from which they are appointed. Members of regional committees  
3 who were elected before the effective date of this section may serve  
4 the remainder of their four-year terms. Vacancies occurring for any  
5 reason, including at the end of the term of any member of a regional  
6 committee who was elected before the effective date of this section,  
7 shall be filled by appointment by the educational service district  
8 board of directors as provided in this section.

9 (3) In the event of a change in the number of educational service  
10 districts or in the number of educational service district board  
11 members pursuant to chapter 28A.310 RCW, a new regional committee shall  
12 be appointed for each affected educational service district at the  
13 expiration of the terms of the majority of the members of the regional  
14 committee. Those persons who were serving on a regional committee  
15 within an educational service district affected by a change in the  
16 number of districts or board members shall continue to constitute the  
17 regional committee for the educational service district within which  
18 they are registered to vote until the majority of a new board has been  
19 appointed.

20 (4) No appointed member of a regional committee may continue to  
21 serve on the committee if he or she ceases to be a registered voter of  
22 the educational service district board member district or if he or she  
23 is absent from three consecutive meetings of the committee without an  
24 excuse acceptable to the committee.

25 NEW SECTION. Sec. 5. The following acts or parts of acts are each  
26 repealed:

27 (1) RCW 28A.315.125 (Regional committees--Election of members--  
28 Qualifications) and 2006 c 263 s 508, 1993 c 416 s 2, 1990 c 33 s 295,  
29 1985 c 385 s 4, & 1975-'76 2nd ex.s. c 15 s 1;

30 (2) RCW 28A.315.135 (Regional committees--Vacancies) and 1985 c 385  
31 s 5, 1975 1st ex.s. c 275 s 81, 1969 ex.s. c 176 s 117, & 1969 ex.s. c  
32 223 s 28A.57.033; and

33 (3) RCW 28A.315.145 (Regional committees--Terms of members) and  
34 1993 c 416 s 3, 1990 c 33 s 296, 1985 c 385 s 6, & 1969 ex.s. c 223 s  
35 28A.57.034.

1       **Sec. 6.** RCW 28A.323.020 and 2006 c 263 s 612 are each amended to  
2 read as follows:

3       The duties in this chapter imposed upon and required to be  
4 performed by a regional committee and by an educational service  
5 district superintendent in connection with a change in the organization  
6 and extent of school districts and/or with the adjustment of the assets  
7 and liabilities of school districts and with all matters related to  
8 such change or adjustment whenever territory lying in ~~((a single))~~ more  
9 than one educational service district is involved shall be performed  
10 ~~((jointly))~~ by the regional committee~~((s))~~ and by the  
11 superintendent~~((s))~~ of the ~~((several))~~ educational service district~~((s~~  
12 ~~as required whenever territory lying in more than one educational~~  
13 ~~service district is involved in a proposed change in the organization~~  
14 ~~and extent of school districts: PROVIDED, That a regional committee~~  
15 ~~may designate three of its members, or two of its members and the~~  
16 ~~educational service district superintendent, as a subcommittee to serve~~  
17 ~~in lieu of the whole committee, but action by a subcommittee shall not~~  
18 ~~be binding unless approved by a majority of the regional committee))~~ in  
19 which is located the part of the proposed or enlarged school district  
20 having the largest number of common school pupils residing therein.  
21 Proposals for changes in the organization and extent of school  
22 districts and proposed terms of adjustment of assets and liabilities  
23 thus prepared and approved shall be submitted to the superintendent of  
24 public instruction ~~((by the regional committee of the educational~~  
25 ~~service district in which is located the part of the proposed or~~  
26 ~~enlarged district having the largest number of common school pupils~~  
27 ~~residing therein))~~.

28       NEW SECTION. **Sec. 7.** RCW 28A.323.030 (School districts in two or  
29 more educational service districts--Proposed change or adjustment--  
30 Procedure when one committee does not approve or fails to act--  
31 Temporary committee) and 1990 c 33 s 310, 1985 c 385 s 26, 1975 1st  
32 ex.s. c 275 s 96, 1969 ex.s. c 176 s 132, & 1969 ex.s. c 223 s  
33 28A.57.245 are each repealed.

34       NEW SECTION. **Sec. 8.** RCW 28A.323.020 is recodified as a new  
35 section in chapter 28A.315 RCW.

