

---

**SUBSTITUTE HOUSE BILL 2635**

---

**State of Washington**                      **60th Legislature**                      **2008 Regular Session**

**By** House Education (originally sponsored by Representative Quall)

READ FIRST TIME 02/05/08.

1            AN ACT Relating to school district boundaries and organization;  
2 amending RCW 28A.315.195, 28A.315.205, 28A.315.085, 28A.315.105,  
3 28A.315.165, 28A.323.020, and 28A.343.070; adding a new section to  
4 chapter 28A.315 RCW; recodifying RCW 28A.323.020; and repealing RCW  
5 28A.315.125, 28A.315.135, 28A.315.145, and 28A.323.030.

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

7            **Sec. 1.** RCW 28A.315.195 and 2006 c 263 s 502 are each amended to  
8 read as follows:

9            (1) A proposed change in school district organization by transfer  
10 of territory from one school district to another may be initiated by a  
11 petition in writing presented to the educational service district  
12 superintendent:

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

16            (b) Signed by a majority of the members of the board of directors  
17 of one of the districts affected by a proposed transfer of territory  
18 and providing documentation that, before signing the petition, the  
19 board of directors took the following actions:

1        (i) Communicated the proposed transfer to the board of directors of  
2 the affected district or districts and provided an opportunity for the  
3 board of the affected district or districts to respond;

4        (ii) Communicated the proposed transfer to the registered voters  
5 residing in the territory proposed to be transferred, provided notice  
6 of a public hearing regarding the proposal, and provided the voters an  
7 opportunity to comment on the proposal at the public hearing; and

8        (iii) Consulted with the statewide chair of regional committees  
9 designated under RCW 28A.315.085.

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

14        (3) The educational service district superintendent shall not  
15 complete any transfer of territory under this section that involves ten  
16 percent or more of the common school student population of the entire  
17 district from which the transfer is proposed, unless the educational  
18 service district superintendent has first called and held a special  
19 election of the voters of the entire school district from which the  
20 transfer of territory is proposed. The purpose of the election is to  
21 afford those voters an opportunity to approve or reject the proposed  
22 transfer. A simple majority shall determine approval or rejection.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (1) The chair of the regional committee shall schedule a hearing on  
33 the proposed transfer of territory at a location in the educational  
34 service district within sixty calendar days of being notified under RCW  
35 28A.315.195 (7) or (8).

36 (2) Within thirty calendar days of the hearing under subsection (1)  
37 of this section, or final hearing if more than one is held by the

1 committee, the committee shall issue its written findings and decision  
2 to approve or disapprove the proposed transfer of territory. The  
3 educational service district superintendent shall transmit a copy of  
4 the committee's decision to the superintendents of the affected school  
5 districts within ten calendar days.

6 (3) In carrying out the purposes of RCW 28A.315.015 and in making  
7 decisions as authorized under RCW 28A.315.095(1), the regional  
8 committee shall base its judgment upon whether and to the extent the  
9 proposed change in school district organization complies with RCW  
10 28A.315.015(2) and rules adopted by the superintendent of public  
11 instruction under chapter 34.05 RCW.

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

14 (a) Student educational opportunities as measured by the percentage  
15 of students performing at each level of the statewide mandated  
16 assessments and data regarding student attendance, graduation, and  
17 dropout rates;

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

22 (c) ~~The history and relationship of the property affected to the~~  
23 ~~students and communities affected, including, for example, ((inclusion~~  
24 ~~within a single school district, for school attendance and~~  
25 ~~corresponding tax support purposes, of entire master planned~~  
26 ~~communities that were or are to be developed pursuant to an integrated~~  
27 ~~commercial and residential development plan with over one thousand~~  
28 ~~dwelling units)) the impact of the growth management act and current or~~  
29 ~~proposed urban growth areas, city boundaries, and master planned~~  
30 ~~communities;~~

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

35 (e) All funding sources of the affected districts, equalization  
36 among school districts of the tax burden for general fund and capital  
37 purposes through a reduction in disparities in per pupil valuation when  
38 all funding sources are considered, improvement in the economies in the

1 administration and operation of schools, and the extent the proposed  
2 change would potentially reduce or increase the individual and  
3 aggregate transportation costs of the affected school districts.

4 (5)(a)(i) A petitioner or school district may appeal a decision by  
5 the regional committee to the superintendent of public instruction  
6 based on the claim that the regional committee failed to follow the  
7 applicable statutory and regulatory procedures or acted in an arbitrary  
8 and capricious manner. Any such appeal shall be based on the record  
9 and the appeal must be filed within thirty days of the final decision  
10 of the regional committee. The appeal shall be heard and determined by  
11 an administrative law judge in the office of administrative hearings,  
12 based on the standards in (a)(ii) of this subsection.

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

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

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

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

28 (1) The superintendent of public instruction shall furnish to  
29 regional committees the services of employed personnel and the  
30 materials and supplies necessary to enable them to perform the duties  
31 imposed upon them by this chapter. (~~Members shall be reimbursed for  
32 expenses necessarily incurred by them in the performance of their  
33 duties in accordance with RCW 28A.315.155.~~) In addition, the  
34 superintendent shall designate an individual to serve as the statewide  
35 chair and be a nonvoting member of each regional committee created  
36 under RCW 28A.315.015. The statewide chair designated under this  
37 section shall be an employee or a contractor of the office of the

1 superintendent of public instruction. The purpose of designating a  
2 statewide chair is to ensure conformity of the regional committees to  
3 legal procedures and rules regarding the committees' consideration of  
4 petitions; provide consistency in the application of laws, rules,  
5 criteria, and procedures across the state; offer expertise in issues  
6 related to school district organization; and provide expertise in  
7 managing meetings and conducting public hearings to enhance the  
8 deliberation of regional committees. The statewide chair shall also  
9 provide training for members of regional committees, including  
10 coordinating any training offered under RCW 28A.315.185, and provide  
11 assistance to educational service district superintendents in carrying  
12 out the responsibilities assigned under this chapter.

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

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

20 (1) There is hereby created in each educational service district a  
21 committee which shall be known as the regional committee on school  
22 district organization, which committee shall be composed of the  
23 statewide chair designated under RCW 28A.315.085 and not less than  
24 seven nor more than nine registered voters of the educational service  
25 district, the number to correspond with the number of board member  
26 districts established for the governance of the educational service  
27 district in which the regional committee is located. The statewide  
28 chair shall be a nonvoting member of each regional committee.

29 (2) Except for the statewide chair, members of each regional  
30 committee shall be appointed to serve a four-year term by the  
31 educational service district board of the district in which the  
32 regional committee is located. One member of the regional committee  
33 shall be ((elected from the registered voters of)) appointed from each  
34 such educational service district board member district. Appointed  
35 members of regional committees must be registered voters and reside in  
36 the educational service district board member district from which they  
37 are appointed. Members of regional committees who were elected before

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

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

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

23 **Sec. 5.** RCW 28A.315.165 and 1990 c 33 s 297 are each amended to  
24 read as follows:

25 Each regional committee shall (~~organize by electing~~) elect from  
26 its membership (~~a chair and~~) a vice chair who shall chair committee  
27 meetings in the event of the temporary absence of the statewide chair  
28 designated under RCW 28A.315.085. The educational service district  
29 superintendent shall be the secretary of the committee. Meetings of  
30 the committee shall be held upon call of the statewide chair (~~or of a~~  
31 ~~majority of the members thereof~~). A majority of the voting members of  
32 the committee shall constitute a quorum.

33 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each  
34 repealed:

35 (1) RCW 28A.315.125 (Regional committees--Election of members--

1 Qualifications) and 2006 c 263 s 508, 1993 c 416 s 2, 1990 c 33 s 295,  
2 1985 c 385 s 4, & 1975-'76 2nd ex.s. c 15 s 1;

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

6 (3) RCW 28A.315.145 (Regional committees--Terms of members) and  
7 1993 c 416 s 3, 1990 c 33 s 296, 1985 c 385 s 6, & 1969 ex.s. c 223 s  
8 28A.57.034.

9 **Sec. 7.** RCW 28A.323.020 and 2006 c 263 s 612 are each amended to  
10 read as follows:

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



1        NEW SECTION.    **Sec. 8.**    RCW 28A.323.030 (School districts in two or  
2 more educational service districts--Proposed change or adjustment--  
3 Procedure when one committee does not approve or fails to act--  
4 Temporary committee) and 1990 c 33 s 310, 1985 c 385 s 26, 1975 1st  
5 ex.s. c 275 s 96, 1969 ex.s. c 176 s 132, & 1969 ex.s. c 223 s  
6 28A.57.245 are each repealed.

7        NEW SECTION.    **Sec. 9.**    RCW 28A.323.020 is recodified as a new  
8 section in chapter 28A.315 RCW.

9        **Sec. 10.**    RCW 28A.343.070 and 1990 c 33 s 324 are each amended to  
10 read as follows:

11        Each educational service district superintendent shall prepare and  
12 keep in his or her office ((~~1~~)) a map showing the boundaries of the  
13 directors' districts of all school districts in or belonging to his or  
14 her educational service district that are so divided(~~, and (2) a~~  
15 ~~record of the action taken by the regional committee in establishing~~  
16 ~~such boundaries~~)).

--- END ---