
SECOND SUBSTITUTE HOUSE BILL 2635

State of Washington 60th Legislature 2008 Regular Session

By House Appropriations Subcommittee on Education (originally sponsored by Representative Quall)

READ FIRST TIME 02/12/08.

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; creating a new section; recodifying RCW
5 28A.323.020; and repealing RCW 28A.315.125, 28A.315.135, 28A.315.145,
6 and 28A.323.030.

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

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

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

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

17 (b) Signed by a majority of the members of the board of directors
18 of one of the districts affected by a proposed transfer of territory

1 and providing documentation that, before signing the petition, the
2 board of directors took the following actions:

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

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

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

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

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

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

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

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

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

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

37 (d) The districts may request and shall be granted by the

1 educational service district superintendent one thirty-day extension to
2 try to reach agreement; and

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

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

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

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

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

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

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

34 (1) The chair of the regional committee shall schedule a hearing on
35 the proposed transfer of territory at a location in the educational
36 service district within sixty calendar days of being notified under RCW
37 28A.315.195 (7) or (8).

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

8 (3) In carrying out the purposes of RCW 28A.315.015 and in making
9 decisions as authorized under RCW 28A.315.095(1), the regional
10 committee shall base its judgment upon whether and to the extent the
11 proposed change in school district organization complies with RCW
12 28A.315.015(2) and rules adopted by the superintendent of public
13 instruction under chapter 34.05 RCW.

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

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

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

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

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

37 (e) All funding sources of the affected districts, equalization
38 among school districts of the tax burden for general fund and capital

1 purposes through a reduction in disparities in per pupil valuation when
2 all funding sources are considered, improvement in the economies in the
3 administration and operation of schools, and the extent the proposed
4 change would potentially reduce or increase the individual and
5 aggregate transportation costs of the affected school districts.

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

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

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

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

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

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

1 under RCW 28A.315.015. The statewide chair designated under this
2 section shall be an employee or a contractor of the office of the
3 superintendent of public instruction. The purpose of designating a
4 statewide chair is to ensure conformity of the regional committees to
5 legal procedures and rules regarding the committees' consideration of
6 petitions; provide consistency in the application of laws, rules,
7 criteria, and procedures across the state; offer expertise in issues
8 related to school district organization; and provide expertise in
9 managing meetings and conducting public hearings to enhance the
10 deliberation of regional committees. The statewide chair shall also
11 provide training for members of regional committees, including
12 coordinating any training offered under RCW 28A.315.185, and provide
13 assistance to educational service district superintendents in carrying
14 out the responsibilities assigned under this chapter.

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

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

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

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

1 the educational service district board member district from which they
2 are appointed. Members of regional committees who were elected before
3 the effective date of this section may serve the remainder of their
4 four-year terms. Vacancies occurring for any reason, including at the
5 end of the term of any member of a regional committee who was elected
6 before the effective date of this section, shall be filled by
7 appointment by the educational service district board of directors as
8 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 **Sec. 5.** RCW 28A.315.165 and 1990 c 33 s 297 are each amended to
26 read as follows:

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

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

1 (1) RCW 28A.315.125 (Regional committees--Election of members--
2 Qualifications) and 2006 c 263 s 508, 1993 c 416 s 2, 1990 c 33 s 295,
3 1985 c 385 s 4, & 1975-'76 2nd ex.s. c 15 s 1;

4 (2) RCW 28A.315.135 (Regional committees--Vacancies) and 1985 c 385
5 s 5, 1975 1st ex.s. c 275 s 81, 1969 ex.s. c 176 s 117, & 1969 ex.s. c
6 223 s 28A.57.033; and

7 (3) RCW 28A.315.145 (Regional committees--Terms of members) and
8 1993 c 416 s 3, 1990 c 33 s 296, 1985 c 385 s 6, & 1969 ex.s. c 223 s
9 28A.57.034.

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

12 The duties in this chapter imposed upon and required to be
13 performed by a regional committee and by an educational service
14 district superintendent in connection with a change in the organization
15 and extent of school districts and/or with the adjustment of the assets
16 and liabilities of school districts and with all matters related to
17 such change or adjustment whenever territory lying in ~~((a single))~~ more
18 than one educational service district is involved shall be performed
19 ~~((jointly))~~ by the regional committee~~((s))~~ and by the
20 superintendent~~((s))~~ of the ~~((several))~~ educational service district~~((s~~
21 ~~as required whenever territory lying in more than one educational~~
22 ~~service district is involved in a proposed change in the organization~~
23 ~~and extent of school districts: PROVIDED, That a regional committee~~
24 ~~may designate three of its members, or two of its members and the~~
25 ~~educational service district superintendent, as a subcommittee to serve~~
26 ~~in lieu of the whole committee, but action by a subcommittee shall not~~
27 ~~be binding unless approved by a majority of the regional committee))~~ in
28 which is located the part of the proposed or enlarged school district
29 having the largest number of common school pupils residing therein.
30 Proposals for changes in the organization and extent of school
31 districts and proposed terms of adjustment of assets and liabilities
32 thus prepared and approved shall be submitted to the superintendent of
33 public instruction ~~((by the regional committee of the educational~~
34 ~~service district in which is located the part of the proposed or~~
35 ~~enlarged district having the largest number of common school pupils~~
36 ~~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~~)).

17 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
18 this act, referencing this act by bill or chapter number, is not
19 provided by June 30, 2008, in the omnibus appropriations act, this act
20 is null and void.

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