
HOUSE BILL 2319

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Magendanz, Fey, and Reykdal

Read first time 01/15/14. Referred to Committee on Education.

1 AN ACT Relating to permitting school districts to publish certain
2 legal notices using public web sites maintained by school districts as
3 an alternative to publishing notice in newspapers; amending RCW
4 28A.320.025, 28A.335.020, 28A.335.040, 28A.335.120, 28A.505.050, and
5 28A.530.080; and reenacting and amending RCW 28A.335.180.

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

7 **Sec. 1.** RCW 28A.320.025 and 1999 c 101 s 1 are each amended to
8 read as follows:

9 (1) The board of directors may change the name of the school
10 district if:

11 (a) Either ten percent of the registered voters of the district
12 file a petition requesting that the name of the school district be
13 changed and submit the proposed new name with the request to the board
14 or the board passes a motion to hold a hearing to change the school
15 district name;

16 (b) After receiving the petition or adopting the motion, the board
17 holds a hearing within one month after the petition was submitted to
18 the board. The board shall publish notice of the hearing and the
19 proposed new name once a week for three consecutive weeks in a

1 newspaper of general circulation within the school district or for
2 three consecutive weeks on a public web site maintained by the school
3 district. At the hearing, other names may be proposed and considered
4 by the board without additional notice requirements; and

5 (c) A majority of the board votes to adopt the new name.

6 (2) If the board adopts the new name, the new name shall be
7 recorded in the school district office and with the educational service
8 district superintendent, the superintendent of public instruction, the
9 state board of education, and the secretary of state.

10 **Sec. 2.** RCW 28A.335.020 and 1983 c 109 s 2 are each amended to
11 read as follows:

12 Before any school closure, a school district board of directors
13 shall adopt a policy regarding school closures which provides for
14 citizen involvement before the school district board of directors
15 considers the closure of any school for instructional purposes. The
16 policy adopted shall include provisions for the development of a
17 written summary containing an analysis as to the effects of the
18 proposed school closure. The policy shall also include a requirement
19 that during the ninety days before a school district's final decision
20 upon any school closure, the school board of directors shall conduct
21 hearings to receive testimony from the public on any issues related to
22 the closure of any school for instructional purposes. The policy shall
23 require separate hearings for each school which is proposed to be
24 closed.

25 The policy adopted shall provide for reasonable notice to the
26 residents affected by the proposed school closure. At a minimum, the
27 notice of any hearing pertaining to a proposed school closure shall
28 contain the date, time, place, and purpose of the hearing. Notice of
29 each hearing shall be published once each week for two consecutive
30 weeks in a newspaper of general circulation in the area where the
31 school, subject to closure, is located or for two consecutive weeks on
32 a public web site maintained by the school district. The last notice
33 of hearing shall be published not later than seven days immediately
34 before the final hearing.

35 **Sec. 3.** RCW 28A.335.040 and 1991 c 116 s 12 are each amended to
36 read as follows:

1 (1) Every school district board of directors is authorized to
2 permit the rental, lease, or occasional use of all or any portion of
3 any surplus real property owned or lawfully held by the district to any
4 person, corporation, or government entity for profit or nonprofit,
5 commercial or noncommercial purposes: PROVIDED, That the leasing or
6 renting or use of such property is for a lawful purpose and does not
7 interfere with conduct of the district's educational program and
8 related activities: PROVIDED FURTHER, That the lease or rental
9 agreement entered into shall include provisions which permit the
10 recapture of the leased or rented surplus property of the district
11 should such property be needed for school purposes in the future except
12 in such cases where, due to proximity to an international airport, land
13 use has been so permanently altered as to preclude the possible use of
14 the property for a school housing students and the school property has
15 been heavily impacted by surrounding land uses so that a school housing
16 students would no longer be appropriate in that area.

17 (2) Authorization to rent, lease or permit the occasional use of
18 surplus school property under this section, RCW 28A.335.050 and
19 28A.335.090 is conditioned on the establishment by each school district
20 board of directors of a policy governing the use of surplus school
21 property.

22 (3) The board of directors of any school district desiring to rent
23 or lease any surplus real property owned by the school district shall
24 publish a written notice in a newspaper of general circulation in the
25 school district or on a public web site maintained by the school
26 district for rentals or leases totaling ten thousand dollars or more in
27 value. School districts shall not rent or lease the property for at
28 least forty-five days following the publication of the ((~~newspaper~~))
29 notice.

30 (4) Private schools shall have the same rights as any other person
31 or entity to submit bids for the rental or lease of surplus real
32 property and to have such bids considered along with all other bids:
33 PROVIDED, That the school board may establish reasonable conditions for
34 the use of such real property to assure the safe and proper operation
35 of the property in a manner consistent with board policies.

36 **Sec. 4.** RCW 28A.335.120 and 2006 c 263 s 913 are each amended to
37 read as follows:

1 (1) The board of directors of any school district of this state
2 may:

3 (a) Sell for cash, at public or private sale, and convey by deed
4 all interest of the district in or to any of the real property of the
5 district which is no longer required for school purposes; and

6 (b) Purchase real property for the purpose of locating thereon and
7 affixing thereto any house or houses and appurtenant buildings removed
8 from school sites owned by the district and sell for cash, at public or
9 private sale, and convey by deed all interest of the district in or to
10 such acquired and improved real property.

11 (2) When the board of directors of any school district proposes a
12 sale of school district real property pursuant to this section and the
13 value of the property exceeds seventy thousand dollars, the board shall
14 publish a notice of its intention to sell the property. The notice
15 shall be published at least once each week during two consecutive weeks
16 in a legal newspaper with a general circulation in the area in which
17 the school district is located or for two consecutive weeks on a public
18 web site maintained by the school district. The notice shall describe
19 the property to be sold and designate the place where and the day and
20 hour when a hearing will be held. The board shall hold a public
21 hearing upon the proposal to dispose of the school district property at
22 the place and the day and hour fixed in the notice and admit evidence
23 offered for and against the propriety and advisability of the proposed
24 sale.

25 (3) The board of directors of any school district desiring to sell
26 surplus real property shall publish a notice in a newspaper of general
27 circulation in the school district or on a public web site maintained
28 by the school district. School districts shall not sell the property
29 for at least forty-five days following the publication of the
30 (~~newspaper~~) notice.

31 (4) Private schools shall have the same rights as any other person
32 or entity to submit bids for the purchase of surplus real property and
33 to have such bids considered along with all other bids.

34 (5) Any sale of school district real property authorized pursuant
35 to this section shall be preceded by a market value appraisal by a
36 professionally designated real estate appraiser as defined in RCW
37 74.46.020 or a general real estate appraiser certified under chapter
38 18.140 RCW selected by the board of directors and no sale shall take

1 place if the sale price would be less than ninety percent of the
2 appraisal made by the real estate appraiser: PROVIDED, That if the
3 property has been on the market for one year or more the property may
4 be reappraised and sold for not less than seventy-five percent of the
5 reappraised value with the unanimous consent of the board.

6 (6) If in the judgment of the board of directors of any district
7 the sale of real property of the district not needed for school
8 purposes would be facilitated and greater value realized through use of
9 the services of licensed real estate brokers, a contract for such
10 services may be negotiated and concluded: PROVIDED, That the use of a
11 licensed real estate broker will not eliminate the obligation of the
12 board of directors to provide the notice described in this section:
13 PROVIDED FURTHER, That the fee or commissions charged for any broker
14 services shall not exceed seven percent of the resulting sale value for
15 a single parcel: PROVIDED FURTHER, That any professionally designated
16 real estate appraiser as defined in RCW 74.46.020 or a general real
17 estate appraiser certified under chapter 18.140 RCW selected by the
18 board to appraise the market value of a parcel of property to be sold
19 may not be a party to any contract with the school district to sell
20 such parcel of property for a period of three years after the
21 appraisal.

22 (7) If in the judgment of the board of directors of any district
23 the sale of real property of the district not needed for school
24 purposes would be facilitated and greater value realized through sale
25 on contract terms, a real estate sales contract may be executed between
26 the district and buyer.

27 **Sec. 5.** RCW 28A.335.180 and 1997 c 264 s 1 and 1997 c 104 s 1 are
28 each reenacted and amended to read as follows:

29 (1) Notwithstanding any other provision of law, school districts,
30 educational service districts, or any other state or local governmental
31 agency concerned with education, when declaring texts and other books,
32 equipment, materials or relocatable facilities as surplus, shall, prior
33 to other disposal thereof, serve notice in writing in a newspaper of
34 general circulation in the school district or on a public web site
35 maintained by the school district and to any public school district or
36 private school in Washington state annually requesting such a notice,
37 that the same is available for sale, rent, or lease to public school

1 districts or approved private schools, at depreciated cost or fair
2 market value, whichever is greater: PROVIDED, That students wishing to
3 purchase texts pursuant to RCW 28A.320.230(2) shall have priority as to
4 such texts. The notice requirement in this section does not apply to
5 the sale or transfer of assistive devices under RCW 28A.335.205 or
6 chapter 72.40 RCW. Such districts or agencies shall not otherwise
7 sell, rent or lease such surplus property to any person, firm,
8 organization, or nongovernmental agency for at least thirty days
9 following publication of notice (~~((in a newspaper of general circulation
10 in the school district))~~).

11 (2) In lieu of complying with subsection (1) of this section,
12 school districts and educational service districts may elect to grant
13 surplus personal property to a federal, state, or local governmental
14 entity, or to indigent persons, at no cost on the condition the
15 property be used for preschool through twelfth grade educational
16 purposes, or elect to loan surplus personal property to a nonreligious,
17 nonsectarian private entity on the condition the property be used for
18 the preschool through twelfth grade education of members of the public
19 on a nondiscriminatory basis.

20 **Sec. 6.** RCW 28A.505.050 and 1995 c 121 s 2 are each amended to
21 read as follows:

22 Upon completion of their budgets as provided in RCW 28A.505.040,
23 every school district shall publish a notice stating that the board of
24 directors will meet for the purpose of fixing and adopting the budget
25 of the district for the ensuing fiscal year. Such notice shall
26 designate the date, time, and place of said meeting which shall occur
27 no later than the thirty-first day of August for first-class school
28 districts, and the first day of August for second-class school
29 districts. The notice shall also state that any person may appear
30 (~~((thereat))~~) and be heard for or against any part of such budget.
31 (~~((Said))~~) Notice shall be published at least: (a) Once each week for
32 two consecutive weeks in a newspaper of general circulation in the
33 district, or, if there (~~((be none))~~) is no newspaper of general
34 circulation in the district, in a newspaper of general circulation in
35 the county or counties in which such district is a part; or (b) for two
36 consecutive weeks on a public web site maintained by the school

1 district. The last notice shall be published no later than seven days
2 immediately prior to the hearing.

3 **Sec. 7.** RCW 28A.530.080 and 2010 c 241 s 1 are each amended to
4 read as follows:

5 (1) In addition to the authority granted under RCW 28A.530.010, a
6 school district may contract indebtedness for any purpose specified in
7 RCW 28A.530.010 (2), (4), and (5) or for the purpose of purchasing any
8 real or personal property, or property rights, in connection with the
9 exercise of any powers or duties which it is now or hereafter
10 authorized to exercise, and issue bonds, notes, or other evidences of
11 indebtedness therefor without a vote of the qualified electors of the
12 district, subject to the limitations on indebtedness set forth in RCW
13 39.36.020(3).

14 (2) Before issuing nonvoted bonds in excess of two hundred fifty
15 thousand dollars, a school district shall publish notice of intent to
16 issue such bonds and shall hold a public hearing on the proposal at any
17 regular or special meeting of the school board. The notice shall
18 designate: The date, time, and place of the hearing; the purpose and
19 amount of the bonds; the type, terms, and conditions of bonds; and the
20 means identified for repayment. The notice shall also state that any
21 person may appear and be heard on the issue of issuing such bonds. The
22 notice shall be published at least: (a) Once each week for two
23 consecutive weeks in a newspaper of general circulation in the
24 district, or if there is ((none)) no newspaper of general circulation
25 in the district, in a newspaper of general circulation in the county or
26 counties in which such district is a part; or (b) for two consecutive
27 weeks on a public web site maintained by the school district. The last
28 notice shall be published no later than seven days immediately before
29 the hearing. At the conclusion of public comment, the board of
30 directors may proceed to determine, by resolution, whether to issue
31 such bonds.

32 (3) The public notice and hearing requirements in subsection (2) of
33 this section shall not apply to any refinancing or refunding of
34 outstanding nonvoted or voted bonds.

35 (4) Such bonds, notes, or other evidences of indebtedness shall be
36 issued and sold in accordance with chapter 39.46 RCW, and the proceeds

1 thereof shall be deposited in the capital projects fund, the
2 transportation vehicle fund, or the general fund, as applicable.

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