

SB 5731 - H COMM AMD
By Committee on Education

NOT CONSIDERED 12/23/2019

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.315
4 RCW to read as follows:

5 (1) If the affected school districts dismiss a proposed transfer
6 of territory initiated by a citizen petition under RCW 28A.315.199,
7 the petitioner may request that the school districts appoint a
8 mediator to attempt to reach agreement between the school districts
9 and the petitioner on the proposal. The appointment of a mediator
10 under this section must be approved by the school districts and the
11 petitioner. Upon appointment, the mediator has thirty days to work
12 with the school districts and the petitioner to attempt to reach an
13 agreement on the proposal.

14 (2) If the school districts do not appoint a mediator that is
15 approved by the districts and the petitioner within thirty days of
16 the request by the petitioner, or if the mediator was unable to bring
17 the districts and the petitioner to agreement, the petitioner may, in
18 accordance with RCW 28A.315.199(5), file a written request for a
19 hearing by a regional committee.

20 **Sec. 2.** RCW 28A.315.199 and 2012 c 186 s 5 are each amended to
21 read as follows:

22 (1) Upon receipt of a petition to transfer territory pursuant to
23 RCW 28A.315.195 or to dissolve a financially insolvent school
24 district pursuant to RCW 28A.315.225, the educational service
25 district superintendent shall notify in writing the affected
26 districts that:

27 (a) Each school district board of directors, whether or not
28 initiating a proposed transfer of territory or dissolution, must
29 enter into negotiations with the affected district or districts;

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

4 (c) The districts have ninety calendar days in which to agree to
5 the proposed transfer of territory or to agree on the annexation of a
6 financially insolvent district;

7 (d) Districts negotiating an agreement regarding annexation of a
8 dissolving financially insolvent district may not agree to not
9 dissolve a financially insolvent district;

10 (e) The agreement between at least one contiguous district and a
11 financially insolvent district regarding the annexation of the
12 dissolving district and the distribution of assets and liabilities is
13 subject to approval by the financial oversight committee;

14 (f) The districts may request and shall be granted by the
15 educational service district superintendent one thirty-day extension
16 to try to reach agreement; and

17 (g) Any district involved in the negotiations may at any time
18 during the ninety-day period notify the educational service district
19 superintendent in writing that agreement will not be possible.

20 (2) If the negotiating school boards cannot come to agreement
21 about the proposed transfer of territory, or cannot agree how to
22 annex a financially insolvent district, the educational service
23 district superintendent, if requested by the affected districts,
24 shall appoint a mediator. The mediator has thirty days to work with
25 the affected school districts to see if an agreement can be reached
26 on the proposed transfer of territory.

27 (3) If the affected school districts cannot come to agreement
28 about the proposed transfer of territory, or cannot agree how to
29 annex a financially insolvent district, and the districts do not
30 request the services of a mediator or the mediator was unable to
31 bring the districts to agreement, any affected district may file with
32 the educational service district superintendent a written request for
33 a hearing by the regional committee.

34 (4) If the affected school districts cannot come to agreement
35 about the proposed transfer of territory initiated by citizen
36 petition, and the districts do not request the services of a mediator
37 or the mediator was unable to bring the districts to agreement, the
38 district in which the citizens who filed the petition reside must
39 file with the educational service district superintendent a written

1 request for a hearing by the regional committee, unless a majority of
2 the citizen petitioners request otherwise.

3 (5) If the affected school districts agree to dismiss a proposed
4 transfer of territory initiated by citizen petition, a petitioner
5 may, in accordance with section 1(2) of this act, file with the
6 educational service district superintendent a written request for a
7 hearing by the regional committee. The request for a hearing must be
8 filed no later than sixty days after the appointment of a mediator
9 under section 1 of this act or, if no mediator is appointed, within
10 sixty days of the request by the petitioner to appoint a mediator.

11 (6) Upon receipt of a notice under subsection (3) (~~(4)~~), (4), or
12 (5) of this section, the educational service district superintendent
13 must notify the chair of the regional committee in writing within ten
14 days.

15 (~~(6)~~) (7) Costs incurred by school districts under this section
16 shall be reimbursed by the state from such funds as are appropriated
17 for this purpose.

18 **Sec. 3.** RCW 28A.315.205 and 2012 c 186 s 6 are each amended to
19 read as follows:

20 (1) The chair of the regional committee shall schedule a hearing
21 on the proposed transfer of territory or dissolution petition at a
22 location in the educational service district within sixty calendar
23 days of being notified under RCW 28A.315.199 (3) (~~(4)~~), (4), or (5).

24 (2) Within thirty calendar days of the hearing under subsection
25 (1) of this section, or final hearing if more than one is held by the
26 committee, the committee shall issue its written findings and
27 decision to approve or disapprove the proposed transfer of territory
28 or the dissolution and annexation of a financially insolvent
29 district. The educational service district superintendent shall
30 transmit a copy of the committee's decision to the superintendents of
31 the affected school districts within ten calendar days.

32 (3) In carrying out the purposes of RCW 28A.315.015 and in making
33 decisions as authorized under RCW 28A.315.095(1), the regional
34 committee shall base its judgment upon whether and to the extent the
35 proposed change in school district organization complies with RCW
36 28A.315.015(2) and rules adopted by the superintendent of public
37 instruction under chapter 34.05 RCW.

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

1 (a) Student educational opportunities as measured by the
2 percentage of students performing at each level of the statewide
3 mandated assessments and data regarding student attendance,
4 graduation, and dropout rates;

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

9 (c) The history and relationship of the property affected to the
10 students and communities affected, including, for example, the impact
11 of the growth management act and current or proposed urban growth
12 areas, city boundaries, and master planned communities;

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

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

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

34 (ii) If the administrative law judge finds that all applicable
35 procedures were not followed or that the regional committee acted in
36 an arbitrary and capricious manner, the administrative law judge
37 shall refer the matter back to the regional committee with an
38 explanation of his or her findings. The regional committee shall
39 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
3 in 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 (iv) The administrative law judge shall expedite review and
7 issuance of a decision on an appeal of a decision approving the
8 dissolution and annexation of a financially insolvent district.

9 (b) Any school district or citizen petitioner affected by a final
10 decision of the regional committee may seek judicial review of the
11 committee's decision in accordance with RCW 34.05.570. Judicial
12 review of a regional committee decision approving dissolution and
13 annexation of a financially insolvent district must be expedited.

14 NEW SECTION. **Sec. 4.** This act applies retroactively to all
15 territory transfer proposals that were initiated by a citizen
16 petition under RCW 28A.315.199 and were dismissed by the affected
17 school districts on or after January 1, 2018."

18 Correct the title.

EFFECT: (1) Allows a citizen petitioner whose petition for a
proposed transfer of school district territory that was dismissed by
the affected school districts to request that the districts appoint a
mediator to attempt to reach agreement between the districts and the
petitioner on the proposal.

(2) Allows a citizen petitioner to file a request for a hearing
on a proposal with the applicable regional committee if the districts
do not appoint a mediator that is approved by the districts and the
petitioner, or if the mediator's attempts to reach agreement were
unsuccessful.

(3) Establishes time limits for the filing of a request for a
hearing with the applicable regional committee.

(4) Modifies the retroactivity provisions in the underlying bill
to specify that the dismissed proposals referenced in the provisions
are those dismissed by school districts.

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