
Education Committee

SB 5731

Brief Description: Concerning petitions for proposed transfer of school district territory.

Sponsors: Senator Short.

Brief Summary of Bill

- Authorizes persons whom have initiated a citizen petition for the transfer of territory from one school district to another to, upon dismissal of the proposal by the affected school districts, request and receive a hearing on the proposal by regional committee that is empowered to decide the matter.
- Applies retroactively citizen petitions that were dismissed on or after January 1, 2018.

Hearing Date: 3/25/19

Staff: Ethan Moreno (786-7386).

Background:

Territory from one school district may be transferred to another through a process that is initiated with the submission of a petition to the superintendent of the applicable educational service district (ESD). The petition must state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for the change and the number of children of school age, if any, residing in the territory.

A petition initiated by a school district must be signed by a majority of the members of the board of directors of one of the districts affected by the proposed transfer of territory, and the petition materials must document that certain notification and public meeting requirements have been met. If the petition is initiated by citizens, it must be signed by a majority of the active registered voters residing in the territory proposed to be transferred.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

When the superintendent of the ESD receives a petition, the school boards of the affected districts must enter into negotiations on the matter and have 90 days, plus the possibility of one 30-day extension, to agree on the proposed transfer of territory. If the districts cannot reach an agreement, the districts may request that a mediator be appointed to assist in reaching an agreement. If a mediator was not requested or is not successful, one or more of the districts may request a hearing by a regional committee, a body that is appointed by the board members of the applicable ESD to decide unresolved territorial transfer proposals and related matters.

If the affected school districts cannot come to agreement about a proposed transfer of territory that was initiated by a citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside must file with the ESD superintendent a written request for a hearing by the regional committee. However, the requirement to file the written request does not apply if a majority of the citizen petitioners request otherwise.

The chair of the regional committee is required to schedule a hearing within the ESD on the proposed transfer of territory within 60 calendar days of receiving a request for the hearing. Within 30 calendar days of the hearing, or the final hearing if more than one is held, the regional committee must issue its written findings and decision to approve or disapprove the proposed transfer of territory.

A petitioner or school district may appeal a decision by the regional committee to the Superintendent of Public Instruction for hearing by an administrative law judge. Additionally, any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the regional committee's decision.

Summary of Bill:

If the affected school districts agree to dismiss a proposed transfer of territory initiated by citizen petition, a petitioner may file with the ESD superintendent a written request for a hearing by the regional committee. The written request must be filed with the ESD superintendent within 30 days of receiving notice that the school districts have dismissed the proposed transfer of territory, unless the request is regarding a proposal that was dismissed before July 28, 2019. The chair of the regional committee is required to schedule a hearing within the ESD on the proposed transfer of territory within 60 calendar days of receiving a request for the hearing by the ESD superintendent.

The bill applies retroactively to all territory transfer proposals initiated by citizen petition that were dismissed on or after January 1, 2018.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.