
SENATE BILL 5731

State of Washington

66th Legislature

2019 Regular Session

By Senator Short

1 AN ACT Relating to petitions for proposed transfer of school
2 district territory; amending RCW 28A.315.199 and 28A.315.205; and
3 creating a new section.

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

5 **Sec. 1.** RCW 28A.315.199 and 2012 c 186 s 5 are each amended to
6 read as follows:

7 (1) Upon receipt of a petition to transfer territory pursuant to
8 RCW 28A.315.195 or to dissolve a financially insolvent school
9 district pursuant to RCW 28A.315.225, the educational service
10 district superintendent shall notify in writing the affected
11 districts that:

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

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

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

1 (d) Districts negotiating an agreement regarding annexation of a
2 dissolving financially insolvent district may not agree to not
3 dissolve a financially insolvent district;

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

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

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

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

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

28 (4) If the affected school districts cannot come to agreement
29 about the proposed transfer of territory initiated by citizen
30 petition, and the districts do not request the services of a mediator
31 or the mediator was unable to bring the districts to agreement, the
32 district in which the citizens who filed the petition reside must
33 file with the educational service district superintendent a written
34 request for a hearing by the regional committee, unless a majority of
35 the citizen petitioners request otherwise.

36 (5) If the affected school districts agree to dismiss a proposed
37 transfer of territory initiated by citizen petition, a petitioner may
38 file with the educational service district superintendent a written
39 request for a hearing by the regional committee. The written request
40 must be filed with the educational service district superintendent

1 within thirty days of receiving notice that the school districts have
2 dismissed the proposed transfer of territory, unless the request is
3 regarding a territory transfer proposal that was dismissed before the
4 effective date of this section.

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

9 (~~(6)~~) (7) Costs incurred by school districts under this section
10 shall be reimbursed by the state from such funds as are appropriated
11 for this purpose.

12 **Sec. 2.** RCW 28A.315.205 and 2012 c 186 s 6 are each amended to
13 read as follows:

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

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

26 (3) In carrying out the purposes of RCW 28A.315.015 and in making
27 decisions as authorized under RCW 28A.315.095(1), the regional
28 committee shall base its judgment upon whether and to the extent the
29 proposed change in school district organization complies with RCW
30 28A.315.015(2) and rules adopted by the superintendent of public
31 instruction under chapter 34.05 RCW.

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

34 (a) Student educational opportunities as measured by the
35 percentage of students performing at each level of the statewide
36 mandated assessments and data regarding student attendance,
37 graduation, and dropout rates;

38 (b) The safety and welfare of pupils. For the purposes of this
39 subsection, "safety" means freedom or protection from danger, injury,

1 or damage and "welfare" means a positive condition or influence
2 regarding health, character, and well-being;

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

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

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

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

28 (ii) If the administrative law judge finds that all applicable
29 procedures were not followed or that the regional committee acted in
30 an arbitrary and capricious manner, the administrative law judge
31 shall refer the matter back to the regional committee with an
32 explanation of his or her findings. The regional committee shall
33 rehear the proposal.

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

1 (iv) The administrative law judge shall expedite review and
2 issuance of a decision on an appeal of a decision approving the
3 dissolution and annexation of a financially insolvent district.

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

9 NEW SECTION. **Sec. 3.** This act applies retroactively to all
10 territory transfer proposals initiated by citizen petition dismissed
11 under RCW 28A.315.199 on or after January 1, 2018.

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