



Guide to Changing School District Boundaries

School District Organization

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The School Facilities and Organization Program of the Office of the Superintendent of Public Instruction (OSPI) is responsible for the oversight of school district organization. OSPI's role:

1. Aid regional committees in the performance of their duties.
2. Carry out the powers and duties of the Superintendent of Public Instruction relating to the organization and reorganization of school districts.

OSPI does not have authority over school operation; this is the direct responsibility of the school district. Educational Service Districts and other service providers assist schools with meeting regulatory requirements and implementing best management practices. OSPI provides support and information for these activities.

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School District Organization –History

The state effectively reached a plateau in its nearly 100—year effort to downsize the number of school districts from approximately 2,710 districts in 1910 to the current 295 school districts. The legislative effort to consolidate districts was “pushed” by an apparent recognition that 2,710 school districts made it virtually impossible for *“The Legislature [to] provide a general and uniform system of public schools.”* [Article IX, Section 2.]

- 1947 - The Legislature established a regional committee on school district organization in each Educational Service District to manage "local" proposals and disputes relating to school district boundaries.
- 1999 - Based in part on a yearlong study by the State Board of Education, the Legislature adopted major changes to the school district organization statutes:
 - Significant upgrading/updating of decision-making criteria
 - Only citizens and school boards can submit a petition.
 - Citizen petition signature threshold was reduced to 10 percent to propose a transfer of territory. (Returned to 50 percent + 1 in 2003.)
 - Districts affected by a proposed transfer of territory are required to attempt a negotiated agreement. Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts
 - Regional Committees make the final decision rather than the SBE, when the districts cannot reach an agreement AND the district in which the citizen petitioners reside requests the Regional Committee to hear the petition. SBE can hear appeals only on approved transfers. (Changed in 2003)
 - Annual training required for Regional Committees, State Board, ESD superintendents, local district boards and district superintendents.

School District Organization - History Continued

- 2003 - The Legislature made three adjustments to the 1999 changes:
 - Restored the citizen petition signature requirement to 50 percent + 1
 - Allowed any Regional Committee decision to be appealed to the State Board of Education
 - Refined the student learning criteria focus from considering the annual school performance reports to considering student educational opportunities.
- 2005 – The Legislature changed oversight of school district boundaries from the State board of Education to OSPI.
- 2007 – The Legislature changed the appointment process for Regional Committee members from an election to appointment by the Educational Service District Superintendent.

Purpose and Explanation of the Statute

Purpose

RCW [28A.315](#) governs the organization and reorganization of school districts. This chapter has two purposes. First, it was enacted to bring together, in one place, all the laws related to the formation of new school districts, the alteration of boundaries for existing school districts, and adjustment of assets and liabilities as needed to coincide with changes. Second, it is intended to permit people concerned and affected by school district boundary issues to participate in those changes.

A new school district that is created through the re-organization process set forth in this chapter may only be comprised of: (a) two or more whole school districts; or (b) parts of two or more school districts and/or a territory that is not part of any school district if such territory is contiguous to the school district to which it is transferred.

The Boundaries of existing school districts may be altered or re-organized under this chapter in one of three ways:

- 1. Transfer of Territory by Petition**
- 2. Consolidation of school districts**
- 3. Dissolution and Annexation**

Given the specifically listed reorganization alterations permitted under the statute, the Attorney General's Office has consistently advised that this chapter does not authorize or allow a section of a school district to break away from that school district and form a new and separate school district by itself.

It is not the intent or purpose of school district organization to attend to individual student problems or preferences. That is handled under state "choice" laws (e.g., interdistrict, intradistrict, and other enrollment options found in RCW chapters [28A.225](#), [28A.185.040](#), [28A.340](#), [28A.540.110](#), and [28A.600.300-400](#)).

"Choice" can also be other means such as student release policies that are the responsibility of the local school district board of directors. Enrollment choice options are separate from school district boundary issues.

1. Transfer of Territory by Petition – RCW 28A.315.195

A transfer of territory petition can be initiated by either a citizen or a school district board.

A. Citizen Initiated Petition

The petition must be signed by 50% + 1 of the registered voters residing in the territory which is the subject of the petition.

The petition must include:

- The name and number of each school district affected
- A Description of the proposed boundary changes
- The reasons for the proposed transfer
- The number of school age children residing in the proposed area of transfer

The petition must be submitted to the Educational Service District (ESD) Superintendent.

After receiving a petition, the ESD Superintendent must notify all of the parties in writing that the affected school districts must negotiate and reach an outcome within 90 days of the letter from the ESD. An extra 30 days may be granted if requested.

Either school district may request a mediator. The mediator may take an additional 30 days to assist in working out an agreement between the school districts.

Upon reaching a recommendation through the district to district negotiation process, the negotiating districts will produce a written summary of the recommendation, including the rationale for the recommendation and submit to the respective affected school district boards of directors. Each board of directors shall adopt at a public meeting of the board, a written resolution indicating whether the board approves or disapproves of the transfer of territory.

- If the affected school districts agree that the proposed transfer should take place the decision is forwarded on to the ESD Superintendent to have the official order written.
- If the affected school districts agree that the proposed transfer should not take place, the petition is dismissed.
- If the affected school districts cannot agree on the Petition initiated by citizens, the school district in which the citizens reside must contact the ESD Superintendent in writing and request a hearing before the Regional Committee.

If a hearing is being requested, the ESD Superintendent must notify the Regional Committee within ten days of receiving written notice from the school district.

In a citizen initiated transfer, the entire proposed territory transfer must be negotiated. It cannot be divided into smaller parts.

B. School District Board Initiated Petition

The petition must be signed by a majority of members of the school board of one of the school districts affected by the proposed transfer of territory.¹

Documentation must be provided to establish that the school board:

- Communicated the proposed transfer to the board of directors of the affected district(s) and provided an opportunity for the board of the affected district(s) to respond;

And,

- Communicated the proposed transfer to the registered voters residing in the territory proposed to be transferred, providing notice and an opportunity to comment on the proposal at the public hearing.

The petition must include:

- The name and number of each school district affected
- A Description of the proposed boundary changes
- The reasons for the proposed transfer
- The number of school age children residing in the proposed area of transfer

The petition must be submitted to the Educational Service District (ESD) Superintendent.

After receiving a petition, the ESD Superintendent must notify all parties in writing that the affected school districts must negotiate and reach an outcome within 90 days of the letter from the ESD. An extra 30 days may be granted if requested.

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- If the affected districts agree that the proposed transfer should take place the decision is forwarded on to the ESD Superintendent to have the official order written.
- If the affected school districts agree that the proposed transfer should not take place, the petition is dismissed.

If the affected school districts cannot agree on the Petition initiated by the school board, either school district may request the ESD Superintendent to set up a hearing with the Regional Committee.

¹ The Educational Service District (ESD) Superintendent must call for an election if proposed territory to be transferred involves 10% or more of student population in the school district.

If a hearing is being requested, the ESD Superintendent must notify the Regional Committee Chair within ten days of receiving written notice from the school district.

C. Regional Committee Hearing- Procedures- RCW [28A-315-205](#)

- The Regional Committee has 60 days to schedule a public hearing after receiving notice from the ESD Superintendent that the school districts can't agree on the transfer of proposed territory.
- The Regional Committee must issue its written findings and decision to approve or disapprove the transfer within 30 days of completion of the hearing.
- The ESD Superintendent must send a copy of the Regional Committee decision within ten days of issuance to the affected school districts.
- During the hearing process, the Regional Committee may direct or limit any proposed evidence a party wishes to submit at the hearing. The Regional Committee may also request additional information and evidence from the parties or other interested individuals.
- The Regional Committee is required to use its best judgment in the consideration of the factors outlined in RCW [28A.315.015 \(2\)](#) and [28A.315.205 \(4\)](#).
- If a Petition is dismissed at any stage of these proceedings, another Petition on the same territory, or any part of the territory, may not be filed for a period of 5 years.

D. Regional Committee –Criteria that must be considered RCW [28A.205\(4\)\(a\)-\(e\)](#)

The following criteria must be considered in the decision of the regional committee:

- Student educational opportunities
- Safety and welfare of the student
- The History and relationship of the property affected to the students and communities affected
- Geographic accessibility
- All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

E. Appeal of Regional Committee Decision RCW 28A.315.205(5)(a)(i)

An appeal may only be based on two grounds, either:

- The Regional Committee failed to follow statutory or regulatory procedures;
- Or
- The Regional Committee acted in an arbitrary and capricious manner.

Any appeal of the Regional Committee decision must be filed with the Office of Superintendent of Public Instruction (OSPI), Administrative Resource Services. OSPI then contacts the Office of Administrative hearings (OAH) and schedules a hearing with an Administrative Law Judge (ALJ) based on the record produced by the Regional Committee.

If the ALJ finds that the Regional Committee did not follow applicable procedures or acted in an arbitrary and capricious manner, the case is remanded back to the Regional Committee for rehearing.

On rehearing, the Regional Committee at its discretion or, with the direction from the administrative law judge may:

- Use the record already in existence and request new evidence to update the record;
- Or
- Use the record already in existence to re-deliberate without any new evidence.

As a practical matter, the Regional Committee should not rehear the Petition by setting a new hearing and starting over absent some extraordinary problems with the record already in existence.

2. Transfer of Territory by Consolidation of School Districts RCW-28A.315.235

Consolidation is when two or more school districts join together to form a new school district. The consolidation process is initiated by a written petition presented to the ESD Superintendent.

The Petition:

- Must be signed by ten or more registered voters living in affected areas in each school district or by 10% of registered voters living in affected area.
- The petition must state the name and phone number of each school district involved in or affected by the petition, along with a description of the boundary changes.

Before a consolidation of school districts can occur, the ESD Superintendent must hold a special election in the affected school districts to see if they approve or reject the consolidation. A simple majority vote determines approval or rejection of the proposed consolidation petition. The cost of the election is the responsibility of the school districts.

When a consolidation petition is approved, the ESD Superintendent will write an order for the approved changes in boundaries for the affected school districts, along with an equitable adjustment of assets and liabilities. The ESD Superintendent also certifies his actions to superintendents of all the affected school districts, each county auditor, treasurer and assessor.

3. Transfer of Territory by Dissolution and Annexation –RCW [28A.315.225](#)

This section of the Reorganization chapter anticipates a situation whereby a school district no longer has the ability to function as a school district, either because enrollment has hit a specified low number or because it has not been able to maintain the minimum number of school days required for a school year (e.g. 180 days).

If either of the above situations occurs in the preceding school year, the ESD superintendent must report it to the regional committee. The regional committee then must take action to dissolve the school district and annex the dissolved school district territory into another school district.

There is also a provision in this section that permits annexation of non-school district property. In the event there is territory that is not part of any school district, the ESD superintendent may present the Regional Committee with a proposal for that territory's annexation to one or more contiguous school districts.

Transfer of Territory Questions

Q1: What criteria or factors should the negotiating school districts consider?

ANS: They should be guided by RCW [28A.315.045 \(1\)](#), RCW [28A.315.015 \(2\)](#), RCW [28A.315.205 \(4\)](#), and WAC [392-340-00701](#)

The provisions of the statute are self explanatory, however, "geographical accessibility" is further defined in WAC as shown below.

Under RCW 28A.315.205 (4), "geographic accessibility" includes, but is not limited to, consideration of the following factors: (a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.

(b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.

(c) The extent and nature of roads, highways, ferries, and traffic patterns.

(d) Climatic conditions.

(e) Time required traveling to and from school.

What criteria or factors must the Regional Committee consider?

ANS: See the answer to Question #1. The difference is that the Regional Committee **must** consider the listed factors rather than simply be guided by them as is the case with the districts and citizens. The decision of the Regional Committee is a considered judgment, determined after due deliberation on the information and evidence provided by the participating parties.

NOTE: Regional Committee members should have a robust discussion on the issues particular to the proposed transfer of territory, and verbalize their thoughts and thinking. It is important that the written record demonstrates that the committee members discussed, and applied the relevant criteria and evidence.

Q2. Can ESDs or school districts receive reimbursement from the state for costs incurred in considering proposed transfers of territory?

ANS: Yes, if funds are appropriated in the state operating budget. The actual appropriation would determine whether or not all reimbursement requests could be honored. RCW [28A.315.085 \(2\)](#) and RCW [28A.315.195 \(10\)](#)

Transfer of Territory Questions **Continued**

Q3: Given all the possible steps, how long can a transfer of territory via citizen petition, if successful, take to be implemented?

ANS: There is no precise answer. However:

1. If two districts agree to the transfer, and the Regional Committee is not involved, the time will normally range from 30 days to 1 year depending on the circumstances.
2. If a petitioner goes to a hearing before the Regional Committee the actual transfer may take as little as 6-8 months or as long as several years. Depending on the size of transfer of territory, bond and levy issues, the Regional Committee has the authority to set a time frame for transfer which could encompass several years.
3. If a Petitioner appeals the Regional Committees decision to the Administrative Law Judge (ALJ), or higher, the time frame would be significantly longer and depend on relevant court calendars and how many levels of appeal take place.

Defining Terminology

The definitions in this appendix are not binding, except when “shall” is used. The definitions are offered as a guide toward helping establish a common understanding of how the cited terms and phrases might be applied in the context of considering a transfer of territory from one school district to another.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.015 \(2\)](#)

TERM: “It is the state’s policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated **agreement** between the affected school districts.”

MEANING: 1) When districts agree to a proposed transfer of territory, they are agreeing to support it and the matter goes back to the ESD superintendent for implementation.

2) When districts agree to deny the proposed transfer of territory, the petition is terminated. In this case, citizen petitioners can appeal to superior court for judicial review.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.015 \(2\) \(a\)](#)

TERM: “If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(a) A **balance of local petition requests** and the needs of the **statewide community at large** in a manner that **advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;**”

MEANING: The issue of “balance” is necessarily subjective. It should not be narrowly construed nor defined to look at just the neighborhood impact.

“Local petition requests” includes both citizen-initiated and school board-initiated petition requests. Local petition requests need to be “balanced” vis-à-vis: the affected school districts and communities; the educational service districts; and the state.

“Statewide community at large” means all citizens of the state. An approved transfer of territory should not result in one district incurring a significantly greater negative impact in terms of, resources, qualified staff, community support and other considerations in contrast to another district affected by the transfer.

Defining Terminology CONTINUED

Advancement of the best interest of public education must be considered at three levels; the affected school districts and communities, the educational service districts, and the state. Affected school districts and communities means those districts and communities (city or town, not just the neighborhood 'community') directly impacted by the transfer of territory.

Regarding "advances the best interest of public education," an approved transfer of territory should leave the educational environment in the affected districts in an improved or neutral condition, as well as in the ESD and the state.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.015 \(2\) \(b\)](#)

TERM: "If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205(b):
Responsibly serving **all of the affected citizens and students** by contributing to **logical service boundaries** and **recognizing a changing economic pattern within the educational service districts of the state;**"

MEANING: Given the facts and circumstances of a particular proposal to transfer territory, the following "pools" of citizens will be affected to some degree:

- All citizens living within the territory proposed to be transferred.
- All other citizens residing within the school district from which the proposed territory will be transferred.
- All citizens living within the immediate locale/neighborhood of which the proposed territory will become a part.
- All citizens residing within the school district to which the proposed territory will be transferred.

If the word "attendance" is substituted for "service," then the phrase "logical service boundary" probably comes into more clear focus. In application, a "logical service (attendance) boundary" is one, at face-value, that is practical, reasonable, and rationale "in the scheme of things."

"Changing economic pattern" means the ongoing evolution of the aggregate nature of the economy in the ESDs, including taking into account such factors as: growth in the area and region, growth management issues, city and county economic development policies, possible shifts in city and county boundaries via annexation,

Defining Terminology Continued

and planned communities. "Recognizing the changing economic pattern" can mean to consider whether the transfer of territory will responsibly serve all the affected citizens and students by contributing to an improvement/enhancement of the economic pattern.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.015 \(2\) \(c\)](#)

TERM: "If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205(c):

Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;"

MEANING: *Educational opportunities* can be enhanced or impinged for other students living outside the transfer territory. Educational opportunity impacts can include:

- All the students in the territory proposed to be transferred.
- All the students in the district from which the territory will be transferred.
- All the students in the immediate "neighborhood" in the district to which the territory will be transferred.
- All the students in the district to which the territory will be transferred.

Possible disparity status should be considered by the Regional Committee both before and after the transfer of territory decision. The Committee should consider whether a district's ability to pass a levy or bond, including the amount of the levy or bond, will increase or decrease as a result of the transfer of territory. The Committee should consider whether increasing or decreasing a district's ability to pass a levy or bond will enhance educational opportunities in the district. A transfer can result in reducing existing facilities disparities.

A connection should be established, if possible, between the economic impacts of the proposed transfer of territory and the impact on educational opportunities for all the students affected. Economic impacts can include: The district from which the territory will be transferred, the district to which the territory will be transferred, the ESD in which the transfer will occur, and the state.

Defining Terminology Continued

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.015 \(2\) \(d\)](#)

TERM: "If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under [RCW 28A.315.205\(d\)](#):

Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state;"

MEANING: "Wiser use" does not necessarily mean more or fewer dollars at the educational service district level of the education system resulting from the transfer of territory, or at the state level of the education system resulting from the transfer of territory.

"Wiser use" should consider the programmatic effects of fiscal decisions and the fiscal effects of programmatic decisions, including whether such decisions will lead to improvement in the school district system of the ESDs and the state.

"Wiser use of public funds" should mean that the transfer of territory improves educational opportunities for all students affected by the transfer.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.195 \(1\) \(a\)](#)

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

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

MEANING: "Active registered voter" shall mean the same as defined by the county auditor.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.205 \(4\) \(a\)](#)

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

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

MEANING: Statewide mandated assessments include: Washington Assessment of Student Learning (WASL), Washington Alternate Assessment System (WAAS), and WASL

Defining Terminology Continued

alternates when available. One set of test scores, alone, shall be considered as an insufficient basis to make a judgment about student educational opportunities. Test scores in the districts affected by the proposed transfer shall be looked at in context, including over time and disaggregating the scores by student subgroups.

The data regarding student attendance rates should be looked at in context, including the attendance rates in the districts affected by the proposed transfer of territory.

Adequate Yearly Progress (AYP) as of June 2008:

State law ([RCW 28A.175.010](#)) requires school districts to account for the educational progress of each of its students in grades 7–12. The data is used for federal accountability purposes as well. To deter schools from discharging or “pushing out” low performing students in order to achieve better test results, the federal *No Child Left Behind Act of 2001* (NCLB) requires the use of graduation rates when determining if a high school has made Adequate Yearly Progress (AYP).

In 2005 the U.S. Department of Education granted Washington permission to use an extended graduation rate for AYP purposes. Washington state reports graduation rates for both on-time graduates (those students who complete school in the standard four years of high school) and extended graduates (those students who complete school in the standard four years and those that take more years to complete). The specific formulas used to calculate the rates are as follows:

Dropout Rate $\frac{\text{number of students with a dropout, unknown, GED completer code}}{\text{total number of students served (less transfers and juvenile detention)}}$

On-Time Graduation Rate $100 * (1 - \text{grade 9 dropout rate}) * (1 - \text{grade 10 dropout rate}) * (1 - \text{grade 11 dropout rate}) * (1 - \text{grade 12 dropout rate} - \text{grade 12 continuing rate})$

Extended Graduation Rate $\frac{\text{number of on-time and late graduates}}{\# \text{ of on-time graduates divided by on-time graduation rate}}$

Dropout rates are calculated by grade and by school as a whole.

For additional information you may contact Assessment and Student Information at OSPI, (360)725-6358 or (360)725-6346.

Defining Terminology Continued

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.205 \(4\) \(b\)](#)

TERM: "(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:
(b) The **safety and welfare of pupils**. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;"

MEANING: Safety, as defined, may apply in two contexts: 1) Getting to and from school; and 2) The climate and environment in and at school.
Welfare, as defined, may apply in two contexts: 1) Getting to and from school; and 2) The climate and environment in and at school.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.205 \(4\) \(c\)](#)

TERM: "(4) The rules under subsection (3) of this section shall provide for giving consideration to all of the following:
(c) The **history and relationship** of the property affected to the students and communities affected, including, for example, the impact of the growth management act and current or proposed urban growth areas, city boundaries, and master planned communities;

MEANING: "History and relationship" must necessarily recognize that communities change. Population growth can impact the historical nature and experience of communities and neighborhoods. The impact can occur over a long term and short term. A master planned community is one example of a planning concept that has evolved and which can impact prior existing communal relationships and identities.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.205 \(4\) \(d\)](#)

TERM: "(4) The rules under subsection (3) of this section shall provide for giving consideration to all of the following:
(d) Whether or not **geographic accessibility** warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school;"

MEANING: Geographic accessibility is further defined in WAC 392-340-00701(1) (d) to include:

- Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.

Defining Terminology Continued

- Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.
- The extent and nature of roads, highways, ferries, and traffic patterns.
- Climatic conditions.
- Time required to travel to and from school.

Each Component shall be considered, if applicable to the territory encompassed by the petition, but all applicable criteria shall be rolled up into one judgment on geographic accessibility.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.205 \(4\) \(e\)](#)

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

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

MEANING: All funding sources includes: Local levy and bond dollars, public/private gifts and grants to a district educational foundation, state dollars (appropriations, grants and other), and federal dollars (appropriations and grants).

Assessed valuation per pupil affects only levies and bonds. Districts and Regional Committees may consider a separate “per pupil valuation” that combines all other funding sources.

“Reduction” is necessarily subjective and should be evaluated in the context of the particular petition.

The improvement in the economies in the administration and operation of schools must apply to the affected schools in the districts affected by the proposed transfer of territory.

Regarding transportation, consideration should be given to the likely impact on transportation costs for the respective districts resulting from the transfer of territory. Also, consideration should be given to the likely impact on transportation costs for the combined districts resulting from the transfer of territory.

Defining Terminology Continued

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.205 \(5\) \(a\) \(i\)](#)

TERM: "A petitioner or school district may appeal a decision by the regional committee to an administrative law judge (ALJ) through the Superintendent of Public Instruction based on the claim that the regional committee **failed to follow the applicable statutory regulatory procedures** or **acted in an arbitrary and capricious manner.**"

MEANING: A Regional Committee decision is not arbitrary or capricious if the decision was made honestly and upon due consideration of the factors and information presented at the hearing. A Regional Committee decision is arbitrary and capricious if the Administrative Law Judge (ALJ) cannot find a rational connection between the written record and the decision made or ALJ determines from the record and appeal hearing that the Regional Committee did not conduct a reasonably thorough discussion, or the ALJ finds that the decision was manifestly unreasonable and that no reasonable person would take the same view.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.245 \(3\)](#)

TERM: "In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:
(3) The **purpose for which the bonded indebtedness of any school district involved** or affected by the proposed change in school district organization **was incurred;**"

MEANING: Bonded indebtedness is typically incurred for the purpose of schools, but can include other purposes such as: Schools, school district administrative center, skills center, bus barn, transportation cooperative facility, athletic facility, joint district/community park and/or recreation center. Districts identify the source of the bonded indebtedness.

Defining Terminology Continued

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.245\(5\)](#)

TERM: “In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:
(5) **Additional burdens** to the districts affected by the proposed change in school district organization as a result of the proposed organization;”

MEANING: Existing challenges might be exacerbated or potential challenges arise resulting from the transfer of territory. E.g., staff layoffs, special education program enrollment, career and technical education program enrollment, English Language Learner (ELL) program enrollment.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.245 \(6\)](#)

TERM: “In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:
(6) The **value, location, and disposition of all improvements** located in the school districts involved or affected by the proposed change in school district organization;”

MEANING: “All improvements” should be considered to mean capital improvements.

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.245 \(7\)](#)

TERM: “In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:
(7) The consideration of **all other sources of funding**; and”

MEANING: All funding sources of the affected districts. Equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvements in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

Defining Terminology Continued

SOURCE OF HIGHLIGHTED TEXT: [RCW 28A.315.245\(8\)](#)

TERM: “In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:

(8) Any other factors that in the judgment of the school districts or regional committee are important or essential to the making of an **equitable adjustment** of assets and liabilities.”

MEANING: Determined on a case-by-case basis. The adjustment of assets and liabilities should be fair for the affected districts.

TRANSFER OF TERRITORY CITIZEN PETITION CHECKLIST

The purpose of this recommended checklist form is to guide citizens who may be interested in filing a petition seeking a transfer of territory from their current district of residence to a neighboring (contiguous) school district. Use of this checklist form is not required, but it parallels checklists recommended for use by school districts and required for use by Regional Committees on School District Organization. Use of this checklist could/should be helpful in facilitating the districts' negotiation process and possible deliberation by the Regional Committee.

#	CHECKLIST ITEM	YES
1	Petition identifies the name and number of each district affected by the proposed transfer of territory	
2	Petition verifies that the affected districts are contiguous to one another. Contact your Educational Service District (ESD) for assistance.	
3	Petition includes (legal) description of the territory proposed to be transferred [Verified in writing by the county assessor].	
4	Petition identifies the number of school-age children, if any, residing in the territory proposed to be transferred [Number of public school children, private school children, homeschool children. Transfer of territory could affect enrollment in the receiving district via private and homeschool students deciding to enroll in the receiving district. Citizens are encouraged to work with their current school district to gather the numbers.]	
5	Petition states the reasons for seeking the proposed transfer of territory. [Citizens are encouraged, not required, to provide data and rationale aligned with the applicable criteria: <ul style="list-style-type: none"> • RCW 28A.315.015(2)(a-e) • RCW 28A.315.195(1-2) • RCW 28A.315.205(4)(a-e) • WAC 392-340-00701 	
6	Petition is signed by 50 percent + 1 of the active registered voters residing within the territory proposed to be transferred (Verified in writing by the county auditor). Contact your ESD to verify if they prefer to send the petition to the auditor's office, or if they allow the citizen to submit the petition to the auditor.	

**TRANSFER OF TERRITORY
PETITION SURVEY**

The purpose of this recommended form is to guide **citizens** and **school districts** who may be interested in filing a petition seeking a transfer of territory from a current district to a neighboring (contiguous) school district. Use of this form may be required to be used by Regional Committees on School District Organization. Use of this form should be helpful in facilitating the districts' negotiation process and possible deliberation by the Regional Committee. For more detailed information, contact your Educational Service District (ESD). See contact list for your ESD contact information.

Proposed transfer of territory initiated by:

School District _____ No. _____

Citizen Petition represented by:

Name _____

Address _____

This form comprises both your testimony and a record of the issues considered. While each item must be taken into consideration, each item has no specific or equal value. Rather, all items are looked at together in their entirety and an evaluative judgment is made based on a consideration of the whole. The evidence guides districts and possibly regional committees in reaching a decision.

Yes and no answers must be supported by a brief narrative.

1. Would approval of the proposed transfer balance local requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state?
RCW [28A.315.015 \(2\) \(a\)](#)

Yes No N/A

2. Would approval of the proposed transfer responsibly serve all of the affected citizens and students by contributing to logical service boundaries? **RCW [28A.315.015 \(2\) \(b\)](#)**

Yes No N/A

3. Would approval of the proposed transfer responsibly serve all of the affected citizens and students by recognizing a changing economic pattern within the educational service districts of the state? **RCW [28A.315.015 \(2\) \(b\)](#)**

Yes No N/A

4. Would approval of the proposed transfer enhance the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts? **RCW [28A.315.015 \(2\) \(c\)](#)**

Yes No N/A

5. Would approval of the proposed transfer promote a wiser use of public funds through improvement in the school district system of the educational service districts and the state; **RCW [28A.315.015 \(2\) \(d\)](#)**

Yes No N/A

6. Would approval of the proposed transfer affect student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates in the territory proposed for transfer? **RCW [28A.315.205 \(4\) \(a\)](#)**

Yes No N/A

7. Would approval of the proposed transfer affect the safety and welfare of pupils in the area proposed for transfer? "Safety" means freedom or protection from danger, injury, or damage; and "welfare" means a positive condition or influence regarding health, character, and well-being. **RCW [28A.315.205 \(4\) \(b\)](#)**

Yes No N/A

8. Does current or proposed urban growth areas, city boundaries, or any master planned communities impact the proposed areas to be transferred? **RCW [28A.315.205 \(4\) \(c\)](#)**

Yes No N/A

9. Are there any other facts pertaining to the history and relationship of the proposed transfer area to the students and communities affected that should be considered?
(RCW [28A.315.205 \(4\) \(c\)](#))

Yes No N/A

10. Would Geographic Accessibility warrant a favorable consideration of the recommendation for a change in school district organization. **RCW [28A.315.205 \(4\) \(d\)](#) and WAC 392-340- 00701(1)(d)(i-v)** . Please refer to a-e below

Yes No N/A

a) Would the proposed transfer result in improved travel corridors due to mountains, hills, valleys, wasteland, and related geographic and man-made features?

WAC 392-340-00701(1)(i)

Yes No N/A

b) Would the proposed transfer result in improved travel corridors due to rivers, lakes, canals, and other natural or man-made waterways and bodies of water?

WAC 392-340-00701(1)(d) (ii)

Yes No N/A

c) Would the proposed transfer result in improved travel corridors due to the extent and nature of roads, highways, ferries, and traffic patterns?

WAC 392-340-00701(1)(d)(iii)

Yes No N/A

d) Would the proposed transfer result in improved travel corridors due to improved climatic conditions? **WAC 392-340-00701(1)(d)(iv)**

Yes No N/A

e) Would the proposed transfer result in a reduction of the time required to travel to and from school for the students residing in the proposed area?

WAC 392-340-00701(1)(d)v)

Yes No N/A

11a. Would approval of the proposed transfer reduce or increase the individual transportation costs of the affected districts? **RCW [28A.315.205 \(4\) \(e\)](#)**

Yes No N/A

b. Would approval of the proposed transfer reduce or increase the aggregate transportation costs of the affected school districts? **RCW [28A.315.205 \(4\) \(e\)](#)**

Yes No N/A

c. Would approval of the proposed transfer result in a reduction in disparities in per pupil valuation when all funding sources are considered? **RCW [28A.315.205 \(4\) \(e\)](#)**

Yes No N/A

d. Would approval of the proposed transfer result in an improvement in the economies of administration and operation of schools? **RCW [28A.315.205 \(4\) \(e\)](#)**

Yes No N/A

12. What numbers of school age children reside in each school district and in each part of a district involved or affected by the proposed transfer? **RCW [28A.315.245 \(1\)](#)**

13. What is the assessed valuation of the property located in each school district and in each part of a district involved or affected by the proposed transfer? **RCW [28A.315.245 \(2\)](#)**

14. Is there any bonded indebtedness of any school district involved or affected by the proposed transfer incurred? If so what is its purpose? **RCW [28A.315.245 \(3\)](#)**

Yes No N/A

15. Is there any history and relationship of any property, affected by the proposed transfer, to the students and communities affected by the proposed transfer? **RCW [28A.315.245 \(4\)](#)**

Yes No N/A

16. Would the proposed transfer create any additional burdens to the districts?
RCW [28A.315.245 \(5\)](#)

Yes No N/A

17. Describe the value, location, and disposition of all improvements located in the school districts involved or affected by the proposed change in school district organization.
RCW [28A.315.245 \(6\)](#)

18. Are there other sources of funding to consider not already discussed in question 18 above?
RCW [28A.315.245 \(7\)](#)

Yes No N/A

19. Would the proposed transfer result in any other positive outcomes that should be considered?

Yes No N/A

20. Would the proposed transfer result in any negative outcomes that should be considered?

Yes No N/A

21. Are there any other factors that in the district's judgment are important or essential to the making of an equitable adjustment of assets and liabilities? **RCW [28A.315.245 \(8\)](#)**

Yes No N/A

SCHOOL DISTRICT NEGOTIATIONS RECOMMENDED GUIDELINES

The integrity of the district-to-district negotiation process will be determined largely by the confidence that citizen petitioners and other interested citizens have that the negotiations provide a fair and balanced review of the facts presented for and against the proposed transfer of territory.

The purpose of the recommended guidelines for district-to-district negotiations is to promote a negotiation process that is acknowledged as being fair and balanced.

The districts should consider input from citizens prior to the first negotiating session.

Negotiations between districts are encouraged to be conducted in open public session. If a quorum of any district's board of directors is expected to be present at the negotiations, the meeting shall be subject to the state Open Public Meetings Act (Chapter 42.30 RCW) and due notice in advance of the negotiating session shall be provided to the public.

If citizen petitioners and others are allowed to provide input at the negotiation meeting, each party should be granted the same amount of time to provide input, excluding time taken for Question & Answer between the negotiating districts and the parties providing input.

There shall be a minimum of one member from each affected school district board of directors participating in the negotiation. A quorum of directors from any affected district is not required in order for the negotiators to discuss the petition and make a recommendation to the respective full boards of directors. A quorum of each board is necessary to act on the recommendations from the negotiators.

Upon reaching a decision, the negotiating parties shall produce, at a minimum, a written summary of the decision, including rationale for the decision reached, and submit to the respective affected school district boards of directors. The school boards shall act on the recommendations by written resolution adopted at a board meeting.

**TRANSFER OF TERRITORY
SCHOOL DISTRICT/REGIONAL COMMITTEE
CRITERIA**

<p><u>RCW 28A.315.015(2)(a)</u> A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;</p>
<p><u>RCW 28A.315.015(2)(b)</u> Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;</p>
<p><u>RCW 28A.315.015(2)(c)</u> Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;</p>
<p><u>RCW 28A.315.015(2)(d)</u> Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state;</p>
<p><u>RCW 28A.315.015(2)(e)</u> Other criteria or considerations as may be established in rule by the Superintendent of Public Instruction.</p>
<p><u>RCW 28A.315.205(4)(a)</u> Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;</p>
<p><u>RCW 28A.315.205(4)(b)</u> The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;</p>
<p><u>RCW 28A.315.205(4)(c)</u> The history and relationship of the property affected to the students and communities affected, including, for example, the impact of the growth management act and current or proposed urban growth areas, city boundaries, and master planned communities.</p>
<p><u>RCW 28A.315.205(4)(d)</u> Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school See also WAC <u>392-340-00701</u>(1)(d)</p>
<p><u>RCW 28A.315.205(4)(e)</u> All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.</p>

**SCHOOL DISTRICT BOARD OF DIRECTORS
TRANSFER OF TERRITORY MOTION**

We, the board of directors of _____ School District have given consideration to the factors presented in making our decision to approve or deny the proposed transfer of territory from the _____ School District to the _____ School District.

Our consideration included reviewing the documents submitted by the citizen petitioners to the respective boards of directors and recommendations from our negotiation representative(s).

Motion to Approve

After consideration of the factors pertinent to the transfer of territory petition, the _____ School District Board of Directors moves that the transfer of territory from _____ School District to _____ School District be approved on the basis that the evidence, rationale and weight of the facts lead to approving the transfer of territory.

or

Motion to Deny

After consideration of the factors pertinent to the transfer of territory petition, the _____ School District Board of Directors moves that the transfer of territory from _____ School District to _____ School District be denied on the basis that the evidence, rationale and weight of the facts lead to denying the transfer of territory.

School Board Chair

School Board Member

School Board Member

School Board Member

School Board Member

School Board Member

School Board Member

Date _____

REGIONAL COMMITTEE HEARINGS AND DELIBERATIONS RECOMMENDED GUIDELINES

The integrity of the Regional Committee hearing and deliberations process will be determined largely by the confidence that citizen petitioners, other interested citizens, and the affected districts have that the hearings and deliberations provide a fair and balanced review of the facts presented for and against the proposed transfer of territory.

The purpose of the recommended guidelines for Regional Committee hearings and deliberations is to promote a hearing process that is acknowledged as being fair and balanced.

The Regional Committee hearing is subject to the state Open Public Meetings Act and due notice in advance of the hearing shall be provided to the public.

The Regional Committee hearing is a quasi-legislative process [Evergreen School District 114 v. Clark Cy, 27 Wn. App.826 (1980)].

The Regional Committee retains broad discretion on whether to allow testimony, how much testimony to allow, and how much time to allow for testimony. If testimony is allowed, each affected party should be granted the same amount of time to testify.

The Regional Committee retains broad discretion on setting timelines for the submittal of documents in order to allow adequate time for the Regional Committee members to review the material prior to the hearing. The Regional Committee may also request additional documents or information once the hearing is in progress.

Evidence should guide the Regional Committee on how to “weight” the criterion in order to reach a decision. All relevant criteria must be considered. However, the Regional Committee has broad discretion in their consideration of the required criteria and in determining how much weight to give to each criteria. The Regional Committee reaches a decision based on its best judgment after considering all the factors as a whole.

**REGIONAL COMMITTEE
ADJUSTMENT OF ASSETS AND LIABILITIES**

In determining an equitable adjustment of assets and liabilities, the regional committee shall consider the following criteria

CRITERIA	
<u>RCW 28A.315.245</u>	
(1)	The number of school-age children residing in each school district and in each part of a district involved or affected by the proposed change in school district organization
(2)	The assessed valuation of the property located in each school district and in each part of a district involved or affected by the proposed change in school district organization
(3)	The purpose for which the bonded indebtedness of any school district involved or affected by the proposed change in school district organization was incurred
(4)	The history and relationship of the property affected to the students and communities affected by the proposed change in school district organization
(5)	Additional burdens to the districts affected by the proposed change in school district organization as a result of the proposed organization
(6)	The value, location, and disposition of all improvements located in the school districts involved or affected by the proposed change in school district organization
(7)	The consideration of all other sources of funding
(8)	Any other factors that in the judgment of the school districts or regional committee are important or essential to the making of an equitable adjustment of assets and liabilities

NOTE: Under RCW [84.09.030](#), August 1 is the deadline for setting taxing district boundaries for tax collections the ensuing fiscal year. The adjustment of assets and liabilities can be phased in over two or more years by using the annual August deadline.

**REGIONAL COMMITTEE
TRANSFER OF TERRITORY MOTION**

We, the _____ Regional Committee on School District Organization have given consideration to the factors presented in making our decision to approve or deny the proposed transfer of territory from the _____ School District to the _____ School District.

We considered all the documentation, testimony and dialogue, presented at the hearing, worked from the required checklist of criterion, and considered the applicability of each criterion in relationship to the petition.

Motion to Approve

After consideration of the factors pertinent to the transfer of territory petition, the _____ Regional Committee on School District Organization moves that the transfer of territory from _____ School District to _____ School District be approved on the basis that the evidence, rationale and weight of the facts lead to approving the transfer of territory.

or

Motion to Deny

After consideration of the factors pertinent to the transfer of territory petition, the _____ Regional Committee on School District Organization moves that the transfer of territory from _____ School District to _____ School District be denied on the basis that the evidence, rationale and weight of the facts lead to denying the transfer of territory.

Regional Committee Chair

Regional Committee Member

Regional Committee Member

Regional Committee Member

Regional Committee Member

Date _____

Regional Committee Member

Regional Committee Member

Regional Committee Member

Regional Committee Member

**REGIONAL COMMITTEE
MOTION TO TRANSFER ASSETS AND LIABILITIES**

We, the _____ Regional Committee on School District Organization have given consideration to the factors presented in making our decision to approve an adjustment of assets and liabilities associated with our decision to approve a transfer of territory from the _____ School District to the _____ School District.

We considered all the documentation and calculations, presented at the hearing, presented by the assessor's office, and reviewed the information therein contained.

Motion to Approve

After consideration of the transfer of assets and liabilities, the _____ Regional Committee on School District Organization moves that the transfer of assets and liabilities from the _____ School District to the _____ School District be approved on the basis that the evidence and calculations received from the county auditor's office for _____ County. The timeline for transfer of the assets and liabilities is as follows (specify assets and liabilities as well as timelines):

Regional Committee Chair

Regional Committee Member

Regional Committee Member

Regional Committee Member

Regional Committee Member

Regional Committee Member

Regional Committee Member

Regional Committee Member

Regional Committee Member

Date _____

CONTACT SHEET

EDUCATIONAL SERVICE DISTRICT

ESD	SUPERINTENDENT	PHONE and EMAIL
ESD 101 Spokane	Mike Dunn	509-789-3800 mdunn@esd101.net
ESD 105 Yakima	Dr. Jane Gutting	509-575-2885 janeg@esd105.wednet.edu
ESD 112 Vancouver	Dr. Twyla Barnes	360-750-7500, ext. 210 twyla.barnes@esd112.org
ESD 113 Olympia	Dr. Bill Keim	360-464-6701 bkeim@esd113.k12.wa.us
Olympic ESD 114 Bremerton	Dr. Walt Bigby	360-478-6880 bigbyw@oesd.wednet.edu
Puget Sound ESD 121 Renton	Dr. Monte Bridges	425-917-7601 mbridges@psesd.org
ESD 123 Pasco	Bruce Hawkins	509-547-8441 bhawkins@esd123.org
North Central ESD 171 Wenatchee	Dr. Rich McBride	509-665-2628 richm@ncesd.org
Northwest ESD 189 Anacortes	Dr. Jerry Jenkins	360-299-4003 jjenkins@esd189.org

OSPI STAFF

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