

By Representative Dolan

**SB 5731** - H COMM AMD

By Committee on Education

1 On page 1, beginning on line 5, strike all of sections 1 and 2 and  
2 insert the 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 agree to dismiss a proposed  
6 transfer of territory that was initiated by a citizen petition under  
7 RCW 28A.315.199, the petitioner may appeal the decision of the school  
8 districts to the superintendent of public instruction based on the  
9 claim that the school districts failed to follow the applicable  
10 requirements or acted in an arbitrary and capricious manner. Any  
11 appeal under this subsection (1) must be based on the record, and the  
12 appeal, except as provided in section 3 of this act, must be filed  
13 within thirty days of the final decision of the school districts. The  
14 appeal must be heard and determined by an administrative law judge in  
15 the office of administrative hearings and based on the provisions in  
16 subsections (2) and (3) of this section.

17 (2)(a) If the administrative law judge finds that all applicable  
18 requirements were not followed, or that the school districts acted in  
19 an arbitrary and capricious manner, the administrative law judge must  
20 refer the matter back to the school districts with an explanation of  
21 his or her findings. The school districts shall reconsider the  
22 proposal and each school district, jointly or separately, must hold  
23 one or more public meetings on the proposed transfer of territory  
24 within sixty days of receiving the findings of the administrative law  
25 judge.

26 (b) If, following the conclusion of the reconsideration and the  
27 public meeting or meetings required by (a) of this subsection (2), the

1 school districts determine that the proposal should again be  
2 dismissed, the school districts may dismiss the proposal. A decision  
3 of the school districts to dismiss a proposal under this subsection  
4 (2)(b) is final and is not subject to further appeal under this  
5 chapter or other provisions of law.

6 (3) If the administrative law judge finds that all applicable  
7 requirements were followed, or that the school districts did not act  
8 in an arbitrary and capricious manner, the decision of the  
9 administrative law judge, unless appealed as provided by this section,  
10 must be considered final.

11 (4) A citizen petitioner affected by a final decision of the  
12 administrative law judge under subsection (3) of this section may seek  
13 judicial review of the decision in accordance with RCW 34.05.570."

14  
15 Renumber the remaining section consecutively and correct any  
16 internal references accordingly.

17  
18 On page 5, beginning on line 10, after "proposals" strike all  
19 material through "RCW 28A.315.199" on line 11 and insert "that were  
20 initiated by a citizen petition under RCW 28A.315.199 and were  
21 dismissed by the affected school districts"

22  
23 Correct the title.

24  
EFFECT: (1) Removes provisions in the underlying bill that  
allow persons who 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 a regional committee.

(2) Establishes an alternate appeal process that instead allows  
the citizen petitioner to file an appeal with the Superintendent of  
Public Instruction for the purpose of having the appeal heard and  
determined by an administrative law judge in the Office of  
Administrative Hearings.

(3) Specifies than an appeal must be based on a claim that the  
school districts failed to follow the applicable requirements or  
that they acted in an arbitrary and capricious manner.

25 (4) Allows a citizen petitioner affected by a final decision of

the administrative law judge indicating that the school districts followed applicable requirements and did not act in an arbitrary and capricious manner to seek judicial review of the decision.

(5) Requires school districts, following a determination by an administrative law judge that they failed to follow all applicable requirements or acted in an arbitrary and capricious manner, to reconsider the proposal and hold one or more public hearing on the matter.

(6) Allows school districts to dismiss the proposal if, following the reconsideration and public meeting or meetings, they determine that the proposal should again be dismissed.

(7) Makes the dismissal of the proposal final and not subject to further appeal.

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

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