



Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**

# *Guidelines for Changing School District Boundaries*

**2021**

# GUIDELINES FOR CHANGING SCHOOL DISTRICT BOUNDARIES

2021

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# **ROLE OF THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION (OSPI) IN SCHOOL DISTRICT ORGANIZATION**

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

- Aiding regional committees in the performance of their duties.
- Carrying out the powers and duties of the Superintendent of Public Instruction related to the organization and reorganization of school districts.

OSPI does not have direct authority over the day-to-day operations of individual schools and school districts; this is the responsibility of the school district. Regional educational service districts and other service providers assist schools with meeting regulatory requirements and implementing best practices. OSPI provides support and information for these activities.

# SCHOOL DISTRICT ORGANIZATION HISTORY

The state effectively reached its goal 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 (ESD) 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 (SBE), the Legislature adopted major changes to the school district organization statutes including:
  - Significant upgrading/updating of decision-making criteria.
  - Only citizens and school boards can submit a petition.
  - Citizen petition signature threshold was reduced to ten percent to propose a transfer of territory (returned to fifty percent + one 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.
- 2003 – The Legislature made three adjustments to the 1999 changes:
  - Restored the citizen petition signature requirement to fifty percent plus one.
  - 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

Chapter 28A.315 of the Revised Code of Washington (RCW) governs the organization and reorganization of school districts. This chapter has two purposes. First, to consolidate 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 that are concerned and affected by school district boundary issues to participate in those changes.

A new school district that is created through the reorganization 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 reorganized under this chapter in one of three ways:

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

**The boundaries of existing school districts may be altered or reorganized in one of three ways:**

- 1. Transfer of Territory by Petition**
- 2. Consolidation of school districts**
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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 Chapters [28A.225](#), [28A.185.040](#), [28A.340](#), [28A.540.110](#), and [28A.600.300-400 RCW](#)).

"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.

# Transfer of Territory by Petition

[RCW 28A.315.195](#) says a transfer of territory petition can be initiated by either a citizen or a school district board.

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

The amount of time it takes for a successful citizen petition transfer of territory to be implemented varies, however:

- If two districts agree to the transfer, and the Regional Committee is not involved, the time will normally range from 90 days to one year—depending on the circumstances.
- If a petition goes to a hearing before the Regional Committee, the actual transfer may take between six–eight months or as long as several years. Depending on the size of transfer of territory and bond and levy issues, the Regional Committee has the authority to set a time frame for transfer which could encompass several years.
- If a petitioner appeals the Regional Committee’s decision to the Administrative Law Judge (ALJ), or higher, the timeframe would be significantly longer and depend on relevant court calendars and how many levels of appeal take place.

## Citizen Initiated Petition

The petition must be signed by 50% plus one of the active registered voters residing in the territory which is the subject of the petition. ***Petitioners’ signatures must not be more than six months before submission date.***

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 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. At a public meeting of the board, each board of directors shall adopt 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 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.

**If a hearing is requested, the ESD superintendent must notify the Regional Committee within 10 days of receiving written notice from the school district.**

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.

### **School District Board Initiated Petition**

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

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.
- 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 ESD superintendent.

#### **RCW 28A.315.015 (2)**

**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. 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.**



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.

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 it to the respective affected school district board of directors. At a public meeting of the board, each board of directors shall adopt a written resolution indicating whether the board approves or disapproves of the transfer of territory.

- 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.

If a hearing is requested, the ESD superintendent must notify the Regional Committee Chair within 10 days of receiving written notice from the school district.

## **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 regarding 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.

## **Appeal of Regional Committee Decision**

### **RCW 28A.315.205 (5)(a)(i)**

An appeal may only be based on two grounds. Either 1) The Regional Committee failed to follow statutory or regulatory procedures, or 2) the Regional Committee acted in an arbitrary and capricious manner.

Any appeal of the Regional Committee decision must be filed with the 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 1) use the record already in existence and request new evidence to update the record, or 2) 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.

# TRANSFER OF TERRITORY BY CONSOLIDATION OF SCHOOL DISTRICTS

## RCW 28A.315.235

Consolidation is when two or more school districts join 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 10 or more registered voters living in affected areas in each school district or by 10% of registered voters living in affected area.
- 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 their actions to superintendents of all the affected school districts, each county auditor, treasurer, and assessor.

# 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 decreased to five or because it has not been able to maintain the minimum number of school days required for a school year (i.e., 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 must then 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 adjoining school districts.

## School District/Regional Committee Criteria

The sections of Revised Code of Washington (RCW) and Washington Administrative Code (WAC) in this section *must be considered in the decision-making process*. RCWs are quoted in the callout boxes. Some definitions are included for the purpose of clarity.

**Note:** Definitions in this section are not binding, except when the word "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.

## RCW 28A.315.015 (2)

**Definition:** 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.

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.

## RCW 28A.315.015 (2)(a)

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

### RCW 28A.315.015 (2)(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.**

"Local petition requests" includes both citizen-initiated and school board-initiated petition

requests. Local petition requests need to be “balanced” or fairly compared between the affected school districts, communities, the educational service district, 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.

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.

### **RCW 28A.315.015 (2)(b)**

**Definition:** 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.”

### **RCW 28A.315.015 (2)(b)**

**Responsibly serving all 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.**

**“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, 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.

## **RCW 28A.315.015 (2)(c)**

**Definition:** “*Educational opportunities*” can be enhanced or diminished 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.

**RCW 28A.315.015 (2)(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.**

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.

## **RCW 28A.315.015 (2)(d)**

**Definition:** “*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.

**RCW 28A.315.015 (2)(d)**  
**Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state.**

## **RCW 28A.315.195 (1)(a)**

**Definition:** “*Active registered voters*” shall mean the same as defined by the county auditor.

## **RCW 28A.315.205 (4)(a)**

**Definition:** “*Statewide mandated assessments*” include Smarter Balanced Assessments (SBA), Washington Comprehensive Assessment of Science (WCAS), Washington Access to Instruction and Measurement (WA-AIM), and alternates when available. One set of test scores, alone, shall be considered as an insufficient basis to make a judgment about student educational opportunities.

### **Every Student Succeeds Act**

Washington School Improvement Framework: In 2015, the federal government released a reauthorization of the Elementary and Secondary Education Act (ESEA) with a new education law called Every Student Succeeds Act (ESSA). Washington released the Washington School Improvement Framework (WSIF) in 2018. The Framework combines as many as nine indicators (including graduation rates for diploma granting schools) into a 1–10 score. The school's score then determines the state supports for the school to improve.

ESSA outlines that a four-year adjusted cohort graduation rate is a required indicator for high school scores and allowed flexibility at the state’s discretion to include the extended-year adjusted cohort graduation rate. Schools are awarded additional points within the WSIF for increases in their five-, six-, and seven-year adjusted cohort graduation rates.

Washington’s four-year graduation rate annual target can be found on the [Washington State Report Card](#) under Washington State Data > Targets > Graduation.

### **Four-year Adjusted Cohort Graduation Rate**

Students remain in their cohort for up to 7 years. A cohort begins with all first-time 9th grade students in a given year. The cohort is adjusted by adding in students who transfer in at any time and by subtracting students who transfer out at any time. To calculate the adjusted four-year cohort graduation rate, we use the adjusted cohort as the denominator and the number of students in the cohort identified as graduating during the four-year cohort period as the numerator. This logic is replicated for the five-, six-, and seven-year cohorts.

Per federal regulations, the adjusted cohort calculation makes no modification for students whose expected graduation timeframe is longer than 4 years. That is, it does not allow for ‘cohort reassignment’ for students with disabilities or multilingual/English learners.

Students are placed in a cohort based strictly upon when they are identified as first entering 9th grade in Washington. Students who transfer into a public high school in Washington for the first

## **RCW 28A.315.195 (1)(a)**

**Signed by at least fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or...**

## **RCW 28A.315.205 (4)(a)**

**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.**

time after the 9th grade are identified as belonging to the cohort associated with when they were first in 9th grade.

**Formula:**

**Students (among denominator cohort) obtaining a high school diploma by year four / Cohort of first time ninth graders in year one plus transfers in, minus transfers out**

For updates, please see the following web addresses:

- [ESSA/WSIF](#)
- [Annual Measurable Objectives](#)

For additional information about the graduation rate, you may contact Assessment and Student Information office at [studentinformation@k12.wa.us](mailto:studentinformation@k12.wa.us) For information about the WSIF, you may contact our Achievement Data office at [achievementdata@k12.wa.us](mailto:achievementdata@k12.wa.us)

**RCW 28A.315.205 (4)(b)**

**Definition:** “*Safety*” and “*Welfare*,” as defined, both may apply in two contexts: a) getting to and from school, and b) the climate and environment in and at school.

**RCW 28A.315.205 (4)(c)**

**Definition:** “*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.

**RCW 28A.315.205 (4)(d)**

**Definition:** “*Geographic accessibility*” is further defined in WAC 392-340-00701(6) to include:

**RCW 28A.315.205 (4)(b)**  
The 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.

**RCW 28A.315.205(4)(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.



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

**Note:** Each component above 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.

**RCW 28A.315.205(4)(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.

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.

**RCW28A.315.205(4)(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.**

**RCW 28A.315.205(4)(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.**

### **RCW 28A.315.205 (5)(a)(i)**

Definition: 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.

### **RCW 28A.315.205 (5)(a)(i)**

**A petitioner or school district may appeal a decision by the regional committee to the superintendent of public instruction based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner.**

### **RCW 28A.315.245 (3)**

**Definition:** “*Bonded indebtedness*” is typically “*incurred*” for the purpose of schools but can include other purposes such as a 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.

### **RCW 28A.315.245 (5)**

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

### **RCW 28A.315.245 (6)**

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

#### **RCW 28A.315.245 (3)**

**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.**

#### **RCW 28A.315.245 (5)**

**(5) Additional burdens to the districts affected by the proposed change in school district organization as a result of the proposed organization.**

#### **RCW 28A.315.245 (6)**

**“(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.**

**RCW 28A.315.245 (7)**

**Definition:** “*All other sources of funding*” indicates *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.

**RCW 28A.315.245 (8)**

**Definition:** An “*equitable adjustment*” is determined on a case-by-case basis. The adjustment of assets and liabilities should be fair for the affected districts.

**RCW 28A.315.245 (7)**

**The consideration of all other sources of funding.**

**RCW 28A.315.245 (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.**

# TRANSFER OF TERRITORY CITIZEN PETITION CHECKLIST

The purpose of this checklist is to guide Washingtonians who are interested in filing a petition to seek a transfer of territory from their current district of residence to a neighboring (contiguous) school district.

This checklist is not required by OSPI, but it parallels checklists that are recommended for use by school districts and that are required for use by Regional Committees on School District Organization. Use of this checklist is recommended and should be helpful in facilitating the districts' negotiation process and possible deliberation by the Regional Committee.

Item	Y/N
<b>1.</b> Petition identifies the name and number of each district affected by the proposed transfer of territory.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>2.</b> Petition verifies that the affected districts are contiguous to one another. Contact your Educational Service District (ESD) for assistance.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>3.</b> Petition includes (legal) description of the territory proposed to be transferred. (Verified in writing by the county assessor.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>4.</b> 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, and 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.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>5.</b> 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"> <li>• <a href="#">RCW 28A.315.015 (2)(a-e)</a></li> <li>• <a href="#">RCW 28A.315.195 (1-2)</a></li> <li>• <a href="#">RCW 28A.315.205 (4)(a-e)</a></li> <li>• <a href="#">WAC 392-40-00701</a></li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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.) <b><i>Petitioners' signatures must not be more than six months before submission date.</i></b>	<input type="checkbox"/> Yes <input type="checkbox"/> No

# TRANSFER OF TERRITORY PETITION SURVEY

**The Transfer of Territory Petition Survey form below serves as an example of the actual form that can be obtained on the [OSPI School District Organization webpage](#).** The purpose of this recommended form is to guide Washingtonians and school districts who are interested in filing a petition to seek a transfer of territory from a current district to a neighboring (contiguous) school district.

Use of this form may be required by Regional Committees on School District Organization. The 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 page 33 for your ESD contact. **Petitioners' signatures must not be more than six months before submission date.**

## Transfer of Territory Petition Survey Form (Example)– Recommended

Proposed Transfer of Territory Initiated by:

School District Name and Number:

Citizen Petition Represented by:

Citizen 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.** Will approval of the proposed transfer balance both local requests and the needs of the statewide community at large in a manner that advances the best interests of public education in the affected school districts, communities, educational service districts, and the state?

[RCW 28A.315.015 \(2\)\(a\)](#)

Yes    No

Input narrative here

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

Yes    No

Input narrative here

**3.** Will 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

Input narrative here

**4.** Will 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

Input narrative here

**5.** Will 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

Input narrative here

**6.** Will 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 \(4\)\(a\)](#) and [WAC 392-340-00701 \(3\)](#).

Yes No

Input narrative here

**7.** Will 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

Input narrative here

**8.** Do 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

Input narrative here

**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

Input narrative here

**10.** Will 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 \(6\)](#).

**Please refer to 10(a)–(e) below**

Yes No

Input narrative here

**10a.** Will 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 \(5\)\(a\)](#)

Yes No

Input narrative here

**10b.** Will 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 \(5\)\(b\)](#)

Yes No

Input narrative here

**10c.** Will 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 \(5\)\(c\)](#)

Yes No

Input narrative here

**10d.** Will the proposed transfer result in improved travel corridors due to improved climatic conditions? [WAC 392-340-00701 \(5\)\(d\)](#)

Yes No

Input narrative here

**10e.** Will 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 \(5\)\(e\)](#)

Yes No

Input narrative here

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

Yes No

Input narrative here

**11b.** Will 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

Input narrative here

**11c.** Will 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

Input narrative here

**11d.** Will 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

Input narrative here

**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 \(1\)](#)

Input narrative here

**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 \(2\)](#)

Input narrative here

**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

Input narrative here

**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

Input narrative here

**16.** Will the proposed transfer create any additional burdens to the districts?

[RCW 28A.315.245 \(5\)](#)

Yes No

Input narrative here

**17.** Describe the value, location, and disposition of all improvements located in the school districts that are involved or affected by the proposed change in school district organization.

[RCW 28A.315.245 \(6\)](#)

Input narrative here

**18.** Are there other sources of funding to consider not already discussed above?

[RCW 28A.315.245 \(7\)](#)

Yes No

Input narrative here

**19.** Will the proposed transfer result in any other positive outcome that should be considered?

Yes No

Input narrative here

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

Yes No

Input narrative here

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

Yes No

Input narrative here



# 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.

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.

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.

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.

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

# 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.

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 criterion. The Regional Committee reaches a decision based on its best judgment after considering all the factors as a whole.

**The next four pages are example forms. If you would like to obtain one of these forms, you can find them on [OSPI’s School District Organization webpage](#).**

**Regional Committee:  
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.**

# EXAMPLE FORM

## 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 \_\_\_\_\_ 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.

### 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.

Date \_\_\_\_\_

School Board Chair \_\_\_\_\_

School Board Member \_\_\_\_\_

School Board Member \_\_\_\_\_

School Board Member \_\_\_\_\_

School Board Member \_\_\_\_\_

School Board Member \_\_\_\_\_

School Board Member \_\_\_\_\_

# EXAMPLE FORM

## 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 to be approved on the basis that the evidence, rationale, and weight of the facts lead to approving the transfer of territory.

### 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.

Date \_\_\_\_\_

Regional Committee Chair \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

# EXAMPLE FORM

## School District Motion to Transfer Assets and Liabilities

We, the \_\_\_\_\_ school district, 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 \_\_\_\_\_ school district 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):

Date \_\_\_\_\_

School District Board Chair \_\_\_\_\_

School District Board Member \_\_\_\_\_

School District Board Member \_\_\_\_\_

School District Board Member \_\_\_\_\_

School District Board Member \_\_\_\_\_

School District Board Member \_\_\_\_\_

School District Board Member \_\_\_\_\_

# EXAMPLE FORM

## 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):

Date \_\_\_\_\_

Regional Committee Chair \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

Regional Committee Member \_\_\_\_\_

# ADJUSTMENT OF ASSETS AND LIABILITIES

## [RCW 28A.315.245](#)

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

- 1) The number of school age children reading in each school district, and in each part of a district involved of 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 propose for which the bonded indebtedness of any school district involved of affected by the proposed change in school district organization.
- 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 judgement 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.

# EXAMPLE FORM

## School District Board Resolution

School District No.  
Resolution No.

WHEREAS, RCW 28A.315.195 allows for citizens and a school district board to petition for a change in school district boundaries, and

WHEREAS, on \_\_\_\_\_ 2020, such a petition was received by \_\_\_\_\_ Educational Service District proposing to transfer territory, and

WHEREAS, on \_\_\_\_\_ 2020, \_\_\_\_\_ School District No. \_\_\_\_\_ received verification of the validity of the aforementioned petition, and

WHEREAS, RCW 28A.315.199(a) requires the school district board of directors of the districts affected by a petition to transfer territory to enter into negotiations concerning the petition, and

WHEREAS, WAC 392.340.207 requires the school district board of directors to adopt at a public meeting a written resolution indicating whether the board approves or disapproves the negotiated recommendation on the proposed transfer of territory, and

NOW THEREFORE BE IT RESOLVED THAT \_\_\_\_\_ School District No. \_\_\_\_\_ does hereby approve/deny the proposed transfer of territory for the \_\_\_\_\_ School District No. \_\_\_\_\_ to the \_\_\_\_\_ School District No. \_\_\_\_\_.

BE IT FURTHER RESOLVED THAT \_\_\_\_\_ Educational Service District be notified of this action and requested to make notification to appropriate governing bodies.

_____	_____
Secretary to the Board	
_____	_____
_____	_____
_____	_____



# EDUCATIONAL SERVICE DISTRICTS

ESD	Superintendent	Contact Information
ESD 101 Spokane	Dr. Michael Dunn	509-789-3500 <a href="mailto:mdunn@esd101.net">mdunn@esd101.net</a>
ESD 105 Yakima	Kevin Chase	509-454-3113 <a href="mailto:kevin.chase@esd105.org">kevin.chase@esd105.org</a>
ESD 112 Vancouver	Tim Merlino	360-952-3494 <a href="mailto:tim.merlino@esd112.org">tim.merlino@esd112.org</a>
ESD 113 Olympia	Dr. Lester (Flip) Herndon	360-464-6701 <a href="mailto:fherndon@esd113.org">fherndon@esd113.org</a>
Olympic ESD 114 Bremerton	Aaron Leavell	360-478-6800 <a href="mailto:aleavell@oesd114.org">aleavell@oesd114.org</a>
Puget Sound ESD 121 Renton	John P. Welch	425-917-7601 <a href="mailto:jwtelch@psesd.org">jwtelch@psesd.org</a>
ESD 123 Pasco	Steve McCullough	509-544-5786 <a href="mailto:smccullough@esd123">smccullough@esd123</a>
North Central ESD 171 Wenatchee	Dr. Michelle Price	509-665-2628 <a href="mailto:michellep@ncesd.org">michellep@ncesd.org</a>
Northwest ESD 189 Anacortes	Larry Francois	360-299-4003 <a href="mailto:lfrancois@nwesd.org">lfrancois@nwesd.org</a>

# OSPI STAFF

Name	Region	Contact Information
Scott Black Program Development Manager		360-725-6268 <a href="mailto:scott.black@k12.wa.us">scott.black@k12.wa.us</a>
Phil Partington Regional Coordinator	Southwest	360-725-6221 <a href="mailto:phil.partington@k12.wa.us">phil.partington@k12.wa.us</a>
Mark Brown Regional Coordinator	Eastern	509-432-4481 <a href="mailto:mark.brown@k12.wa.us">mark.brown@k12.wa.us</a>
Heidi Burkart Regional Coordinator	Northwest	360-742-8032 <a href="mailto:heidi.burkart@k12.wa.us">heidi.burkart@k12.wa.us</a>

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*Download this material in PDF at [OSPI's School District Organization webpage](#). This material is available in alternative format upon request. Contact the Resource Center at 888-595-3276, TTY 360-664-3631. Please refer to this document number for quicker service: 21-0002.*



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