

**NORTH CENTRAL EDUCATIONAL SERVICE DISTRICT  
ADMINISTRATIVE PROCEDURE**

**No. 1160-P1**

**REGIONAL COMMITTEE ON SCHOOL DISTRICT REORGANIZATION**

**ROLE OF THE REGIONAL COMMITTEE**

1. The North Central ESD Regional Committee on School District Organization will conduct a hearing when school districts cannot agree on the citizen initiated petitions and/or school district board initiated petitions to transfer territory by consolidation of school districts or the transfer of territory by dissolution and annexation. The Committee has the authority to approve or reject such petitions. If approved, the North Central ESD (NCESD) Superintendent will cause an official order to be written.
2. In a situation where a school district is no longer able to function as a school district, the district 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.
3. If there is territory that is not part of any school district, the NCESD superintendent may present the Regional Committee with a proposal for that territory's annexation to one or more contiguous school districts.
4. The Committee is composed of one registered voter from each of the seven director districts established for the governance of the NCESD. Members are appointed for a vacant position by at the discretion of the ESD Superintendent.

**PETITION PROCESS**

The petitioner and each school district involved will complete a Transfer of Territory Checklist (NCESD Form 1160-F1) stating their case. Refer to Superintendent of Public Instruction "Guide to Changing School District Boundaries."

NCESD shall compile the checklist information. This information will be mailed to the regional committee with the petition and other pertinent materials.

**REGIONAL COMMITTEE HEARING PROCEDURES**

Committee hearings and meetings are to be held as needed. Action can only be taken on those items appearing on the committee agenda.

1. The Regional Committee has 60 days to schedule a public hearing after receiving notice from the NCESD Superintendent that the school districts cannot agree on the transfer of proposed territory.
2. All districts affected, committee members, and petitioners will be informed of the date and time of the hearing at least ten (10) days prior to the scheduled hearing.

**NORTH CENTRAL EDUCATIONAL SERVICE DISTRICT  
ADMINISTRATIVE PROCEDURE**

**No. 1160-P1**

3. At least ten (10) days prior to the public hearing date, the NCESD Superintendent or designee, serving as Regional Committee Secretary, will:
  - a. Call the Regional Committee members to ensure that a quorum will exist.
  - b. Publish a Notice of Public Hearing on Change in School District Organization in one or more newspapers of general circulation within the geographic boundaries of the school district.
  - c. Ensure the school district or designee has posted the Notice of Public Hearing on Change in School District Organization at the following locations and completed an Affidavit of Posting:
    - i. One in each of the affected districts.
    - ii. One at the meeting location.
    - iii. One at the U.S. Post Office that serves the school districts.
4. The secretary and chair shall prepare an agenda for each meeting. The secretary shall mail the agenda and materials to all members at least five (5) days in advance of the meeting or hearing.
5. Regional Committee Members are expected to attend each meeting or hearing. If not able to attend, members will notify the secretary. Three (3) consecutive absences without excuse acceptable to the committee shall constitute cause to terminate committee membership.
6. In case of a vacancy on the Regional Committee, a new member shall not be appointed until the meeting following the meeting in which the vacancy is acknowledged. Notice of a vacancy shall be mailed to the local school district and newspaper(s) in the area affected at least three (3) weeks prior to the committee filling the vacancy (RCW 28A.315.135).
7. The chair is a voting member of the committee.
8. The NCESD superintendent shall serve as secretary to the committee, is ex-officio, and a non- voting member.
9. A quorum shall consist of five (5) members.
10. Meetings and hearings will start promptly at 6:00 p.m. unless otherwise stated.

**NORTH CENTRAL EDUCATIONAL SERVICE DISTRICT  
ADMINISTRATIVE PROCEDURE**

**No. 1160-P1**

11. Parties interested in addressing the committee must sign in (sign-in sheet at door) prior to the meeting.
12. Delegations must select a spokesman to present the petition. All interested parties will be allowed to speak, but at the discretion of the chair. Time limits may be imposed on speakers.
13. Members of the public may address the committee only during the public hearing, or at the request of the committee chair when the chair or a member of the committee has requested the chair to obtain further information from those members of the public present.
14. When sub-committees of the committee are authorized by the committee, as provided in Chapter 28A.315.095 or 28A.323.020, RCW, the chair shall appoint the sub-committee chair.
15. 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.
16. The committee may postpone action on any items when, in their opinion, additional facts or clarification of facts may enhance a decision, or in their opinion, the parties to a decision have not had ample time to prepare for the public hearing.
17. 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).
18. All proceedings will be recorded. Copies of the minutes are on file in the NCESD office and are a matter of public record.
19. The Regional Committee must issue its written findings and decision to approve or disapprove the transfer within 30 days of completion of the hearing.
20. The NCESD Superintendent must send a copy of the Regional Committee decision within ten days of issuance to the affected school districts.
21. 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.
22. The NCESD Superintendent will send copy of minutes of each meeting to Regional Committee members and will send copy of minutes to affected school district superintendent(s).

**NORTH CENTRAL EDUCATIONAL SERVICE DISTRICT  
ADMINISTRATIVE PROCEDURE**

**No. 1160-P1**

**CRITERIA FOR REGIONAL COMMITTEE REVIEW OF PETITIONS**

1. The regional committee shall give consideration to all of the criteria in RCW 28A.315.015 (2)(a) through (d) and 28A.315.205 (4)(a) through (e) when reviewing the proposed transfer of territory.
2. The boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.
3. When considering student educational opportunities under RCW 28A.315.205 (4)(a), the regional committee shall not consider one set of test scores alone as a sufficient basis to make a judgment about student educational opportunities. Test scores in the district affected by the proposed transfer of territory shall be looked at in context, including over time and by disaggregating the scores by student subgroups.
4. "Communities affected" under RCW 28A.315.205 (4)(c), include 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 residing within the school district to which the proposed territory will be transferred.
5. When considering "geographic accessibility" under RCW 28A.315.205 (4)(d), the regional committee shall consider, but is not limited to 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 to travel to and from school.

**NORTH CENTRAL EDUCATIONAL SERVICE DISTRICT  
ADMINISTRATIVE PROCEDURE**

**No. 1160-P1**

After considering all factors, the regional committee shall make one judgment on geographic accessibility, regardless of how many individual components may apply to the transfer of territory petition.

**THE STATE BOARD OF EDUCATION (SBE) REVIEW**

The SBE will review the documents from the Regional Committee considering:

- A. Compliance with the required statutory process.
- B. Factual support for the conclusion(s).
- C. Validity of the conclusion(s) and equitable adjustment of assets and liabilities.

If the SBE approves the proposal and related adjustment, notice will be given to the Regional Committee Secretary. If it is disapproved, it is returned to the Regional Committee for revision and the public hearing process would be followed. Another failure to approve by the SBE would be final.

**REGIONAL COMMITTEE ACTION UPON STATE BOARD APPROVAL**

1. The Secretary will call a meeting of the Regional Committee to form and pass a resolution to hold a special election in the affected districts on the questions of:
  - a. Consolidation.
  - b. Adjustment of assets and liabilities.
  - c. The authority of the new interim school district board of directors to divide the new school district into director districts.
2. Approval of the ballots require a simple majority in each district for the consolidation and authorization to establish director districts. A 60% majority of total combined votes of both districts is required to pass the adjustment of assets and liabilities.

Refer to Superintendent of Public Instruction “Guide to Changing School District Boundaries” for details on:

The State Board of Education (SBE) Review  
Regional Committee Action upon State Board Approval  
Follow-up After Elections

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ADMINISTRATIVE PROCEDURE**

**No. 1160-P1**

**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.

**REGIONAL COMMITTEE REIMBURSEMENT FOR EXPENSES**

Members of the Regional Committee shall be reimbursed for expenses incurred in the performance of their duties. Reimbursement will be made by the Superintendent of Public Instruction.

Committee members will complete Form A-20, Washington State Travel Voucher, which will be supplied immediately following the public hearing. The completed form will be submitted to the Regional Committee Secretary or designee for review, approval, and submission to:

- Office of Superintendent of Public Instruction (OSPI)
- School Support Services
- Maintenance and Operation Consultant

Reimbursement will be sent to the Regional Committee Member's home address indicated on Form A-20 by OSPI.

**Reference:** Superintendent of Public Instruction “Guide to Changing School District Boundaries

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