

carried or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant. In every case where a writ of garnishment is served by an officer, such officer shall make his return thereon showing the time, place and manner of service and noting thereon his fees for making such service and shall sign his name to such return. In case such service is made by any person other than an officer, such person shall attach to the original writ his affidavit showing his qualifications to make such service and the time, place and manner of making service, but no fee shall be allowed for the service of such writ unless the same is served by an officer.

Passed the House February 27, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 23, 1959.

CHAPTER 268.

[H. B. 415.]

SCHOOL DISTRICTS—REORGANIZATION.

AN ACT relating to school districts; providing for changes in the organization and extent of school districts and for adjustments of assets and liabilities of school districts; creating temporary committees on joint school district organization and defining their powers and duties; providing for the appointment and election of school directors in reorganized districts; amending section 13, chapter 266, Laws of 1947 as amended by section 2, chapter 395, Laws of 1955, and RCW 28.57.050; sections 16, 23, 24, 33 and 34, chapter 266, Laws of 1947 and RCW 28.57.180, 28.57.340, 28.57.350, 28.57.360 and 28.57.370; and adding eight new sections to chapter 28.57 RCW.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There is added to chapter 28.57 RCW New section.
a new section to read as follows:

Committee proposals when transfer or annexation to union high school district.

Whenever a proposal of a county committee provides that all or any part of the territory of a component district of a union high school district shall be transferred, annexed, or otherwise made a part of an existing district or a new district to be established under the proposal, and whenever a proposal of the county committee provides that the territory of any school district shall be transferred, annexed, or otherwise made a part of a component district of a union high school district, the county committee shall also provide either in the aforesaid proposal or in a separate proposal for such changes in the organization and extent of the union high school district as the county committee may deem advisable under the standards prescribed in RCW 28.57.050. The powers of the county committee shall include, but are not limited to, the enlargement or reduction of the boundaries of the union high school district and the dissolution of the union high school district: *Provided*, That no union high school district shall contain less than the whole territory of any school district and every union high school district must contain the whole territory of at least two or more school districts. The proposal of the county committee shall also provide for such adjustments of the assets and liabilities, including bonded indebtedness, of component districts and union high school districts as it deems advisable under the standards prescribed in RCW 28.57.050.

RCW 28.57.050 amended.

SEC. 2. Section 13, chapter 266, Laws of 1947 as amended by section 2, chapter 395, Laws of 1955, and RCW 28.57.050 are each amended to read as follows:

Powers and duties of committee.

The powers and duties of the county committee shall be:

- (1) To initiate, on its own motion and whenever it deems such action advisable, proposals for changes in the organization and extent of school districts in

the county; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the county superintendent as provided for in this chapter; and to prepare and submit to the state board any of the aforesaid proposals that are found by the county committee to provide for satisfactory improvement in the school district system of the county and state: *Provided*, That the committee shall prepare and submit to the state board within one and one-half years after April 1, 1955 a comprehensive plan for changes in the organization and extent of the school districts of the county, which plan may be submitted as a single unit or as separate units submitted from time to time and involving one or more school districts: *Provided further*, That if the county committee finds, after considering the factors listed in subsection (4) of this section, that no changes in the school district organization of the county are needed a report to this effect shall be submitted to the state board.

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committee.

(2) (a) To make among the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of school districts an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness, of all districts involved or affected; and (b) to make among all of the school districts involved in or affected by any change heretofore or hereafter effected, an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the county committee shall consider the number of children of

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school age resident in and the assessed valuation of the property located in each district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28.57.190 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the county committee or two members of the committee and the county superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof (a) in at least three of the most public places in the territory of each proposed new district or of each established district when such district is involved in a question of adjustment of bonded indebtedness, (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on the schoolhouse door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required; and (d) at the place or places of holding the hearing.

(4) To give due consideration in the preparation of plans and terms of adjustment as aforesaid

(a) to equalization of the educational opportunities of pupils and to economies in the administration and operation of schools through the formation of larger units of administration and areas of attendance; (b) to equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per-pupil valuation; (c) to geographical and other features, including, but not limited to such physical characteristics as mountains, lakes and rivers, waste land, climatic conditions, highways, and means of transportation; (d) to the convenience and welfare of pupils, including but not limited to remoteness or isolation of their places of residence and time required to travel to and from school; (e) to improvement of the educational opportunities of pupils through improvement and extension of school programs and through better instruction, facilities, equipment, materials, libraries, and health and other services; (f) to equalization of the burden of financing the cost of high school facilities through extension of the boundaries of high school districts to include within each such district all of the territory served by the high school located therein: *Provided*, That a nonhigh school district may be excluded from a plan if such district is found by the county committee and the state board to be so situated with respect to location, present and clearly foreseeable future population, and other pertinent factors as to warrant the establishment and operation of a high school therein or the inclusion of its territory in a new district formed for the purpose of establishing and operating a high school; (g) to the future effective utilization of existing satisfactory school buildings, sites, and playfields; the adequacy of such facilities located in the proposed new district; and additional facilities required if such proposed district is formed; and (h) to any

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other matters which in the judgment of the committee are related to or may operate to further equalization and improvement of school facilities and services, economies in operating and capital fund expenditures, and equalization among school districts of tax rates for school purposes.

(5) To prepare and submit, along with the submission of the proposals designated in subsection (1) of this section, a map showing the boundaries of existing districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new district or of each existing district as enlarged or diminished by any proposed change, or both; a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request.

(6) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: *Provided*, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the state census board shall be divided into directors' districts unless a majority of the voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(7) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries

of any of the directors' districts of any school district heretofore or hereafter so divided except a district of the third class: *Provided*, That a petition therefor, shall be required for a rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least five heads of families residing in the aforesaid school district, and shall be presented to the county superintendent. A public hearing thereon shall be held by the county committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section, except that notice thereof shall be posted in some public place in each directors' district of the school district and on the schoolhouse door of the district and at the place of holding the hearing.

(8) To prepare and submit to the superintendent of public instruction, upon his request, a report and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

SEC. 3. There is added to chapter 28.57 RCW a New section. new section to read as follows:

The board of directors of every first and second class school district containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the state census board which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the county committee to divide the district into directors' districts. If a majority of the votes cast on the proposition shall be affirmative, the county committee shall proceed to divide the district into directors' districts.

Proposition for director districts, certain first, second class districts.

New section.

SEC. 4. There is added to chapter 28.57 RCW a new section to read as follows:

—Accompanying proposition for new district.

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district that, if formed, will be a district of the first or second class and will contain a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the state census board, there shall also be submitted to the voters at the same election a proposition to authorize the county committee to divide the school district, if formed, into directors' districts.

New section.

SEC. 5. There is added to chapter 28.57 RCW a new section to read as follows:

Joint district disputes, remedial procedure—Committee created.

Whenever a change in the organization and extent of school districts or an adjustment of the assets and liabilities of school districts, or both, or any other matters related to such change or adjustment involve a joint district, and a majority of the county committee of either county approve a proposal but the proposal is not approved by the other county committee or said committee fails or refuses to act upon the proposal within sixty days of its receipt, the county committee approving the proposal shall certify the proposal and its approval to the state superintendent of public instruction. Upon receipt of a properly certified proposal, the state superintendent of public instruction shall appoint a temporary committee on joint school district organization composed of five persons. The members of the committee shall be selected from the membership of any county committee in this state except that no member shall be appointed from any county in which part of the joint district is situated. Said committee shall meet at the call of the state superintendent of public instruction and organize by electing a chairman and secretary. Thereupon, the

temporary committee on joint school district organization shall have jurisdiction of the proposal and shall treat the same as a proposal initiated on its own motion. Said committee shall have the powers and duties imposed upon and required to be performed by a county committee under the provisions of chapter 28.57 RCW and the secretary of the committee shall have the powers and duties imposed upon and required to be performed by the county superintendent of schools under the provisions of chapter 28.57 RCW. It shall be the duty of the county superintendents of the counties in which the joint district is situated to assist the temporary committee on joint school district organization by supplying said committee with information from the records and files of their offices and with a proper and suitable place for holding meetings.

SEC. 6. Section 23, chapter 266, Laws of 1947 and RCW 28.57.340 are each amended to read as follows:

RCW 28.57.340 amended.

Upon the establishment of a new school district which contains a city having a population of more than seven thousand and which is not divided into director districts, the board of directors of the old district comprising such city shall become the board of the new district and each member thereof shall serve for the term for which he was elected: *Provided*, That if three directors constitute the board of any such old district, two additional directors shall be appointed for the new district in the manner provided by law for filling a vacancy on the board of a district of the class to which such new district belongs. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected, one for a term of two years and one for a term of four years.

Number of terms of directors in reorganized city districts.

Upon the establishment of a new school district which is not divided into directors' districts and which includes two or more old districts each of which contains a city having a population of more than seven thousand, all of the directors of the old districts shall constitute the board of directors of the new district until the next regular school election in said district and until their successors are elected and qualified, at which election there shall be elected five directors, two for a term of two years and three for a term of four years.

In case any new school district established through the incorporation of a city or through the uniting of two or more cities or towns, pursuant to the provisions of RCW 28.57.150, contains a city having a population of more than seven thousand and is not divided into directors' districts, all of the directors of the old districts included in the new district so established shall constitute the board of directors of the new district and shall serve until the next regular school election in the district and until their successors are elected and qualified. At such election there shall be elected five directors, two for a term of two years and three for a term of four years.

RCW 28.57.350 amended.

SEC. 7. Section 24, chapter 266, Laws of 1947 and RCW 28.57.350 are each amended to read as follows:

Districts divided into director districts—
Terms, powers, duties of directors.

The directors of old school districts who reside within the limits of a new school district that is divided into directors' districts in conformity with the provisions of this chapter shall meet at the call of the county superintendent and elect from among their number five directors for the new district, no two of whom shall be residents of the same school directors' district: *Provided*, That if one or more of the directors' districts of the new school district has no such director residing therein, the county superintendent shall appoint the number of additional

directors required to constitute a board of five directors for the school district, no two of whom shall be residents of the same school directors' district.

Upon the establishment of a new school district of the third class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the county superintendent and elect from among their number three directors for said new district: *Provided*, That if fewer than three such directors reside in such new school district, they shall become directors of said district, and the county superintendent shall appoint the number of additional directors required to constitute a board of three directors for the district.

Each board of directors constituted as provided for in this section shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of directors of other districts of the same class until the next regular school election in the district and until their successors are elected and qualified. At such election there shall be elected the number of directors (either five directors or three directors) heretofore in this section required to constitute the board of the district. When five directors constitute the board, one shall be elected from among the residents of each of the five directors' districts of the school district by the electors of the entire school district, two such directors for a term of two years and three for a term of four years; when three directors constitute the board, they shall be elected at large by the electors of the school district, one for a term of two years and two for a term of four years.

SEC. 8. Section 33, chapter 266, Laws of 1947 and RCW 28.57.360 are each amended to read as follows:

RCW 28.57.360
amended.

If at any time after this act takes effect three directors constitute the board of directors of any school

Increase in number (directors), how effected.

district for which a board of five directors is required by law, except a district divided into school directors' districts, the three directors of such school district shall continue to serve for the terms for which they were elected; two additional directors shall be appointed for the district in the manner provided by law for filling a vacancy on the board of other districts of the same class; and the aforesaid five directors shall thereafter constitute the board of directors of the district. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected, one for a term of two years and one for a term of four years.

RCW 28.57.370 amended.

SEC. 9. Section 34, chapter 266, Laws of 1947 and RCW 28.57.370 are each amended to read as follows:

Succession when directors' districts created in existing districts.

Whenever any school district other than a newly established school district is divided into directors' districts by the county committee in the discharge of its duties hereunder, the directors thereof shall continue to serve for the terms for which they were elected, unless two or more such directors reside in the same directors' district, in which event the director who shall continue to serve shall be determined by lot. The county superintendent shall then appoint the number of additional directors required to constitute a board of five directors for the school district, no two of whom shall be residents of the same directors' district. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected for the unexpired terms of those who were removed from office by virtue of this section or for four year terms in case no unexpired terms exist.

SEC. 10. There is added to chapter 28.57 RCW a New section.
new section to read as follows:

In any school district in which all of the directors of the district were elected for a term of four years at the regular school election held in 1956, the directors shall be elected as follows at the regular school election in 1960: In school districts with three directors, one director shall be elected for a term of two years and two directors for a term of four years, and in school districts with five directors, two directors for a term of two years and three directors for a term of four years. The directors so elected shall serve until their successors are elected and qualified.

Certain staggered terms set for 1960 election.

SEC. 11. There is added to chapter 28.57 RCW a New section.
new section to read as follows:

Whenever the directors to be elected in a school district that is divided into directors' districts are not all to be elected for the same term of years, the board of directors of the district shall, prior to the date set by law for filing a declaration of candidacy for the office of director, determine by lot the directors' districts from which directors shall be elected for a term of two years and the directors' districts from which directors shall be elected for a term of four years. Each candidate shall indicate on his declaration of candidacy the directors' district from which he seeks to be elected.

Certain directors' terms determined by lot.

SEC. 12. There is added to chapter 28.57 RCW a New section.
new section to read as follows:

Whenever the directors to be elected in a school district that is not divided into directors' districts are not all to be elected for the same term of years, each candidate shall indicate on his declaration of candidacy the term of years for which he seeks to be elected. The candidate receiving the largest number of votes for the two-year term and the candidate receiving the largest number of votes for the four-

Nondirectors' district term determination.

year term shall each be deemed elected; and if more than one director is to be elected for either or both of the two terms of office aforesaid, the candidate or candidates, as the case may be, receiving the next largest number of votes shall be deemed elected.

New section.

SEC. 13. There is added to chapter 28.57 RCW a new section to read as follows:

First class district, 6 year terms, staggered.

Whenever the provisions of this amendatory act require school directors to be elected at the regular school district election and the district affected is a first class school district which elects directors for a term of six years under the provisions of RCW 29.13.060 the directors shall be elected for such terms of office not in excess of six years as will cause the office of at least one director and no more than two directors to be up for election at each regular school district election held thereafter.

RCW 28.57.180 amended.

SEC. 14. Section 16, chapter 266, Laws of 1947, and RCW 28.57.180 are amended to read as follows:

Petition for transfer of territory—Superintendent's proposal for transfer.

For the purpose of transferring territory from one school district to another district, a petition in writing may be presented to the county superintendent, in his capacity as secretary of the county committee, signed by a majority of the heads of families residing in the territory proposed to be transferred, or by the board of directors of one of the districts affected by a proposed transfer of territory if there is no family resident in the territory, which petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory: *Provided*, That the county superintendent may, without being petitioned to do so, present to the county committee a proposal for the transfer from one school district to another of any territory

in which no children of school age reside: *Provided further*, That the county superintendent shall not complete any transfer of territory pursuant to the provisions of this section which involves ten percent or more of the student population of the entire district from which such transfer is proposed, unless he has first called and held a special election of the voters of the entire school district from which such transfer of territory is proposed for the purpose of affording said voters an opportunity to approve or reject such proposed transfer, and has obtained approval of the proposed transfer by a majority of those voting in said election; and if such proposed transfer is disapproved by a majority vote of the voters of the entire district voting in an election called for that purpose, the state board of education shall review such case and determine whether or not said district is meeting or capable of meeting minimum standards of education as set up by the state board. If the board decided in the negative, it may thereupon withhold from such district, in whole or in part, state contributed funds.

Superintendent's proposal for transfer.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 23, 1959.