

HOUSE BILL REPORT

HB 1176

As Passed Legislature

Title: An act relating to school districts' boards of directors.

Brief Description: Specifying timing and voting on filling school board vacancies.

Sponsor(s): Representatives Leonard, Holland, Peery, Brough, Cole, Forner, Rayburn, Vance, Brumsickle, Jones, Miller, Fuhrman, Phillips, Winsley, Paris and Betrozoff.

Brief History:

Reported by House Committee on:
Education, February 4, 1991, DP.
Passed House, February 14, 1991, 96-0;
Passed Legislature, 96-0.

**HOUSE COMMITTEE ON
EDUCATION**

Majority Report: *Do pass.* Signed by 17 members: Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Betrozoff; Broback; Brumsickle; Cole; Dorn; Holland; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; and H. Sommers.

Staff: Susan Kirkpatrick (786-7291).

Background: RCW 28A.315.530 governs the procedure regarding vacancies on a school board and provides as follows:

"In case of a vacancy from any cause on the board of directors of a school district ... a majority of the legally established number of board members shall fill such vacancy by appointment...."

The RCW does not specifically prohibit a school board member who has announced a resignation, thereby creating a vacancy, from voting on the selection of the successor to his or her position. There was a recent court case in King County in which a resigning board member's authority to vote on the selection of his successor was raised.

Summary of Bill: A school board director who has submitted a resignation is prohibited from voting on the selection of his or her replacement.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Expressly prohibiting a board member who has announced his or her resignation to take effect at a later date from voting on his or her successor will clarify this issue and may prevent future litigation.

Testimony Against: None.

Witnesses: Dwayne Slate, Washington State School Directors' Association (in favor).