

SENATE BILL REPORT

SSB 5129

AS PASSED SENATE, MARCH 11, 1993

Brief Description: Allowing educational service district boards of directors to provide cooperative and informational services.

SPONSORS: Senate Committee on Education (originally sponsored by Senators Bauer, Sheldon, Barr, Haugen, Owen, Moyer, Gaspard, Sellar, Rinehart, Sutherland and McAuliffe)

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5129 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Staff: Leslie Goldstein (786-7424)

Hearing Dates: February 10, 1993; March 1, 1993

BACKGROUND:

In 1992, the Legislature enacted a law giving school district boards of directors broad discretionary power to adopt policies to promote the education of students or the effective management of the school district unless the policy was expressly prohibited by law. (See RCW 28A.320.015) This legislation reversed the general court interpretation, referred to as Dillon's rule, that school districts, educational service districts, and other municipal corporations only have the authority to exercise those powers expressly granted in law or necessarily or fairly implied from the powers expressly granted in law.

Educational service districts were established by the Legislature and given the express authority to provide cooperative and informational services to local school districts, provide assistance to the State Board of Education and the Superintendent of Public Instruction, and provide services to school districts to assure equal educational opportunities. The state is currently divided into nine educational service districts.

SUMMARY:

Educational service districts are authorized to provide services at the written request of school district boards of directors if: (1) the services are within their statutory authority; (2) do not conflict with other provisions of law;

and (3) support education programs or the management of school districts.

The Washington State Institute for Public Policy is required to design a proposal for a study about the role and performance of educational service districts.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

An educational service district performs services for school districts and needs the flexibility to meet the school districts' needs. Since 1979, they have needed legislation seven times for the specific authority to provide services such as cooperative purchasing, self-insurance cooperatives and pupil transportation.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Bill Fromhold, Superintendent, Roy Garnson, Board Member, ESD 112; Tom Feldhausen, Asst. Superintendent, East Vally, Spokane