

**SENATE BILL REPORT**

**SB 5129**

**AS REPORTED BY COMMITTEE ON EDUCATION, MARCH 1, 1993**

**Brief Description:** Granting additional powers to boards of directors of educational service districts.

**SPONSORS:** 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:**

The educational service district boards of directors are given broad discretionary power to adopt policies, not in conflict with other laws, that provide for programs, activities, services or practices that the board determines will support the education of preschool through 12th grade students or the management of a school district receiving services. The services must be requested by a school district or the

districts served by the educational service district. The educational service district board of directors shall provide opportunities for written and oral comments before adopting the policies.

**EFFECT OF PROPOSED SUBSTITUTE:**

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