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SENATE BILL 5591

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State of Washington

56th Legislature

1999 Regular Session

By Senators Roach, Zarelli, Swecker, Benton, Hochstatter, Honeyford, Rossi, Oke, Horn, McDonald, Hale, Sellar, Morton, Deccio, Stevens, McCaslin and Long

Read first time . Referred to Committee on .

1 AN ACT Relating to state board of education membership; amending  
2 RCW 28A.305.010, 28A.305.030, and 28A.305.090; adding a new section to  
3 chapter 28A.305 RCW; and repealing RCW 28A.305.020, 28A.305.040,  
4 28A.305.050, 28A.305.060, and 28A.305.070.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 28A.305.010 and 1992 c 56 s 1 are each amended to read  
7 as follows:

8 The state board of education shall be comprised of ~~((one))~~ two  
9 nonpartisan members from each congressional district of the state, not  
10 including any congressional district at large, elected by the ~~((members~~  
11 ~~of the boards of directors of school districts thereof, as hereinafter~~  
12 ~~in this chapter provided, the superintendent of public instruction and~~  
13 ~~one member elected at large, as provided in this chapter, by the~~  
14 ~~members of the boards of directors of all private schools in the state~~  
15 ~~meeting the requirements of RCW 28A.195.010. The member representing~~  
16 ~~private schools shall not vote on matters affecting public schools. If~~  
17 ~~there is a dispute about whether or not an issue directly affects~~  
18 ~~public schools, the dispute shall be settled by a majority vote of the~~

1 ~~other members of the board)) voters of each congressional district in~~  
2 the state.

3 **Sec. 2.** RCW 28A.305.030 and 1992 c 56 s 3 are each amended to read  
4 as follows:

5 (1) Whenever any new and additional congressional district is  
6 created, except a congressional district at large, (~~the superintendent~~  
7 ~~of public instruction shall call an election in such district at the~~  
8 ~~time of making the call provided for in RCW 28A.305.020. Such election~~  
9 ~~shall be conducted as other elections provided for in this chapter))  
10 two persons shall be elected at the next general election at which  
11 state board of education members are elected to serve as members of the  
12 state board of education. At the first such election one member of the  
13 state board of education shall be elected for a term of four years.~~

14 (2) The terms of office of members of the state board of education  
15 who are elected from the various congressional districts shall not be  
16 affected by the creation of either new or new and additional districts.  
17 In such an event, each board member may continue to serve in office for  
18 the balance of the term for which he or she was elected or appointed:  
19 PROVIDED, That the board member continues to reside within the  
20 boundaries of the congressional district as they existed at the time of  
21 his or her election or appointment. Vacancies (~~which~~) that occur in  
22 a board member position during the balance of any such term shall be  
23 filled (~~pursuant to RCW 28A.305.090~~) under section 3 of this act by  
24 a successor who resides within the boundaries of the congressional  
25 district from which the member whose office was vacated was elected as  
26 they existed at the time of his or her election. At the election  
27 immediately preceding expiration of the term of office of each board  
28 member provided for in this subsection following the creation of either  
29 new or new and additional congressional districts, and thereafter, a  
30 successor shall be elected from the congressional district (~~which~~)  
31 that corresponds in number with the congressional district from which  
32 the incumbent was appointed or elected.

33 (~~(3) Notwithstanding any other provision of this section or~~  
34 ~~chapter, in order to reduce the number of state board of education~~  
35 ~~members elected from each congressional district from two members to~~  
36 ~~one member the following transitional measures shall govern board~~  
37 ~~member terms, elections, and voting:~~

1       ~~(a) The terms of office for each of the sixteen state board of~~  
2 ~~education members and positions representing the first through the~~  
3 ~~eighth congressional districts shall terminate in a sequence commencing~~  
4 ~~with the terms of the four members and positions representing the third~~  
5 ~~and sixth congressional districts as of the second Monday of January~~  
6 ~~1993, followed by the terms of the six members and positions~~  
7 ~~representing the first, fourth, and seventh congressional districts as~~  
8 ~~of the second Monday of January 1994, and ending with the termination~~  
9 ~~of the terms of the six members and positions representing the second,~~  
10 ~~fifth, and eighth congressional districts as of the second Monday of~~  
11 ~~January 1995;~~

12       ~~(b) An election shall be conducted under RCW 28A.305.040 through~~  
13 ~~28A.305.060 each year preceding the termination of one or more terms~~  
14 ~~under (a) of this subsection for the purpose of electing one state~~  
15 ~~board of education member from each correspondingly numbered~~  
16 ~~congressional district for a term of four years;~~

17       ~~(c) If for any reason a vacancy occurs in one of two positions~~  
18 ~~representing a congressional district before the termination of the~~  
19 ~~term for the position under (a) of this subsection, no replacement may~~  
20 ~~be appointed or elected and the position shall be deemed eliminated;~~  
21 ~~and~~

22       ~~(d) During the transition period from the second Monday of January~~  
23 ~~1993, to the second Monday of January 1995, a vote on any matter before~~  
24 ~~the state board of education by any one of two members representing the~~  
25 ~~same congressional district shall be equal to one half [of] a vote and~~  
26 ~~a vote by any other member shall be equal to one full vote.~~  
27 ~~Thereafter, the vote of each member shall be equal to one full vote.)~~

28       **Sec. 3.** RCW 28A.305.090 and 1990 c 33 s 264 are each amended to  
29 read as follows:

30       Whenever there shall be a vacancy upon the state board of  
31 education, from any cause whatever, it shall be the duty of the  
32 remaining members of the board to fill such vacancy by appointment, and  
33 the person so appointed shall continue in office until his or her  
34 successor has been ((specially)) elected((, as hereinafter in this  
35 section provided,)) and has qualified. ((Whenever a vacancy occurs,  
36 the superintendent of public instruction shall call, in the month of  
37 August)) At the next general election following the date of the  
38 occurrence of ((such)) the vacancy, ((a special election to be held in

1 ~~the same manner as other elections provided for in this chapter, at~~  
2 ~~which election))~~ a successor shall be elected to hold office for the  
3 unexpired term of the member whose office was vacated.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.305  
5 RCW to read as follows:

6 An election shall be held at the general election after the  
7 effective date of this section to elect members to the state board of  
8 education. Members shall take office on the second Monday of January  
9 following the election, on which date the terms of all members of the  
10 state board of education holding office on the effective date of this  
11 section shall expire. Of the initial members elected under this  
12 section, members elected from even-numbered congressional districts  
13 shall serve four-year terms and members elected from odd-numbered  
14 congressional districts shall serve two-year terms. Newly elected  
15 members of the state board of education shall serve until their  
16 successors are elected and qualified. Members who are elected  
17 subsequently shall be elected to four-year terms of office and shall  
18 serve until their successors are elected and qualified and assume  
19 office in accordance with RCW 29.04.170.

20 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each  
21 repealed:

22 (1) RCW 28A.305.020 (Call and notice of elections) and 1990 c 33 s  
23 258, 1988 c 255 s 2, 1981 c 38 s 1, & 1969 ex.s. c 223 s 28A.04.020;

24 (2) RCW 28A.305.040 (Declarations of candidacy--Qualifications of  
25 candidates--Members restricted from service on local boards--Forfeiture  
26 of office) and 1990 c 33 s 260, 1982 1st ex.s. c 7 s 2, 1980 c 179 s 4,  
27 1975 1st ex.s. c 275 s 49, 1971 c 48 s 1, & 1969 ex.s. c 223 s  
28 28A.04.040;

29 (3) RCW 28A.305.050 (Qualifications of voters--Ballots--Voting  
30 instructions--Candidates' biographical data) and 1990 c 33 s 261, 1988  
31 c 255 s 3, 1981 c 38 s 2, & 1969 ex.s. c 223 s 28A.04.050;

32 (4) RCW 28A.305.060 (Election procedure--Certificate) and 1990 c 33  
33 s 262, 1981 c 38 s 3, 1980 c 179 s 5, 1975 c 19 s 2, 1969 ex.s. c 283  
34 s 25, & 1969 ex.s. c 223 s 28A.04.060; and

1 (5) RCW 28A.305.070 (Action to contest election--Grounds--  
2 Procedure) and 1980 c 179 s 6 & 1975 c 19 s 1.

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