

SENATE BILL REPORT

SB 5522

As of February 8, 2011

Title: An act relating to creating the office of the superintendent of public instruction as an executive branch agency.

Brief Description: Creating the office of the superintendent of public instruction as an executive branch agency.

Sponsors: Senators Tom and Murray.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/02/11.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Susan Mielke (786-7422)

Background: Currently, the Superintendent of Public Instruction (SPI) is one of eight state officials whose offices are established by the state Constitution. The SPI is elected on a nonpartisan basis every four years by the qualified voters of the state. The state Constitution also provides that the SPI “shall have supervision over all matters pertaining to public schools and shall perform such specific duties as may be prescribed by law.” The term of the current SPI ends in 2012.

To amend the state Constitution a joint memorial must be passed by a two-thirds majority vote of both houses of the Legislature and approved by a majority of the people at the next general election.

According to the Education Commission of the States in 2008:

- 23 states have the Chief State School Officer (CSSO) appointed by the State Board of Education: Alabama, Alaska, Arkansas, Colorado, Connecticut, Hawaii, Illinois, Louisiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New York, Ohio, Rhode Island, Utah, Vermont, and West Virginia.
- 13 states have the CSSO appointed by the Governor: Delaware, Florida, Iowa, Maine, Minnesota, New Hampshire, New Jersey, New Mexico, Pennsylvania, South Dakota, Tennessee, Texas, and Virginia.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- 14 states elect the CSSO: Arizona, California, Georgia, Idaho, Indiana, Montana, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Washington, Wisconsin, and Wyoming.
- 24 state governors appoint an education official (the SPI, Commissioner of Education or Secretary of Education) to the executive cabinet: California, Colorado, Connecticut, Delaware, Georgia, Idaho, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Pennsylvania, South Dakota, Tennessee, Virginia, and West Virginia.

Summary of Bill: The Office of the Superintendent of Public Instruction is created as a governor appointed executive branch agency. The SPI appointment is subject to Senate approval. Internal references to the existing statutes are corrected.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains a contingency clause and takes effect on January 13, 2012, if a constitutional amendment providing for the elimination of the SPI as a constitutionally established statewide official is validly submitted, approved, and ratified by the voters at the next general election and certified by the Secretary of State.

Staff Summary of Public Testimony: PRO: Outside of the budget, the Governor does not have control of education though the public believes that she does. It is not about the individuals in office currently. We need to align the system with the voters expectations that the Governor will make a difference in education when they vote for Governor. Our state's paramount duty is education and the supreme officer of our state, the Governor, should have the authority over the paramount duty. Our fragmented, expanded governance structure does not lend itself to adopting change or accountability. When everyone is accountable, no one is accountable. This would provide a way to get a common set of goals.

CON: SPI, who is the elected advocate for education, will be muted by these bills. An appointed SPI would be filtered by and beholden to a partisan Governor, and may have to change directions every four years. SPI should be a nonpartisan official because education should be a nonpartisan issue. Our state founders did not centralize power in one official and diffused power purposefully. A separately elected SPI provides a focus on the paramount duty of our public schools and their students; they won't get lost in the other state business. The Governor already has significant influence in education, especially through the budget. This distracts from the funding of education discussion that should be taking place in the Legislature.

OTHER: Our research suggests that it is a good idea for Washington State to make the currently elected SPI position be part of the Governor's cabinet. It creates greater accountability through the Governor who is an elected official. The Governor needs the

authority to make changes to a system that is resistant to change. When the SPI is elected he is subject to pressures of the public if appointed this would not be the case.

Persons Testifying: PRO: Senator Tom, prime sponsor; Lisa McFarland, League of Education Voters.

CON: Randy Dorn, State Superintendent of Public Instruction; Lucinda Young, Washington Education Association; Marie Sullivan, Washington State School Directors' Association; Tim Kanue, Washington Association for Career and Technical Education; Dan Steele, Washington Association of School Administrators; Jerry Bender, Association of Washington School Principals.

OTHER: Liv Finne, Washington Policy Center; Marsh Riddle Buly, Western Washington University Woodring College of Education.