
HOUSE BILL 2947

State of Washington

64th Legislature

2016 Regular Session

By Representatives Sullivan, Lytton, Blake, and Rossetti

Read first time 01/29/16. Referred to Committee on General Government & Information Technology.

1 AN ACT Relating to education governance; amending RCW 43.17.010
2 and 43.17.020; reenacting and amending RCW 42.17A.705; adding a new
3 section to chapter 41.06 RCW; adding a new chapter to Title 28A RCW;
4 creating new sections; providing a contingent effective date; and
5 providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that a growing
8 number of agencies, each with their own priorities and activities,
9 set education policy. The legislature further recognizes that while
10 there is excellent work being pursued by individual entities in
11 response to their specific duties, the focus and impact for student
12 success would be magnified if there were a cohesive state-level
13 governance education system and if some of these agencies were
14 brought together. The legislature further finds that consolidation of
15 state-level education entities would result in a governance system
16 with a more unified student-centered vision, common goals, shared
17 priorities, and linked outcomes. The results for learners would be
18 improved with an integrated system approach.

19 The legislature intends to create a cohesive state-level
20 governance education system that will provide for integrated policies
21 at the state level and consistent best practice guidance and

1 technical assistance to local delivery systems. By consolidating
2 state-level planning, policies, and assistance, the legislature
3 intends that outcomes for learners will improve and management
4 burdens for local delivery systems will be lessened.

5 **PART I**

6 **DEPARTMENT OF EDUCATION CREATED**

7 NEW SECTION. **Sec. 101.** There is created a department of state
8 government to be known as the department of education. The department
9 is vested with all powers and duties transferred to it under this
10 chapter and such other powers and duties as may be authorized by law.

11 NEW SECTION. **Sec. 102.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires
13 otherwise.

14 (1) "Department" means the department of education.

15 (2) "Director" means the director of education.

16 NEW SECTION. **Sec. 103.** The executive head and appointing
17 authority of the department is the director. The director shall be
18 appointed by the governor, with the consent of the senate, and shall
19 serve at the pleasure of the governor. The director shall be paid a
20 salary to be fixed by the governor in accordance with RCW 43.03.040.
21 If a vacancy occurs in the position while the senate is not in
22 session, the governor shall make a temporary appointment until the
23 next meeting of the senate.

24 NEW SECTION. **Sec. 104.** It is the intent of the legislature
25 wherever possible to place the internal affairs of the department
26 under the control of the director in order that the director may
27 institute therein the flexible, alert, and intelligent management of
28 its business that changing contemporary circumstances require.
29 Therefore, whenever the director's authority is not specifically
30 limited by law, the director has complete charge and supervisory
31 powers over the department. The director may create such
32 administrative structures as the director considers appropriate,
33 except as otherwise specified by law. The director may employ such
34 assistants and personnel as necessary for the general administration
35 of the department. This employment shall be in accordance with the

1 state civil service law, chapter 41.06 RCW, except as otherwise
2 provided.

3 NEW SECTION. **Sec. 105.** The director shall appoint a deputy
4 director, a department personnel director, and such assistant
5 directors as may be needed to administer the department. The deputy
6 director shall have charge and general supervision of the department
7 in the absence or disability of the director and, in case of a
8 vacancy in the office of director, shall continue in charge of the
9 department until a successor is appointed and qualified, or until the
10 governor appoints an acting director.

11 NEW SECTION. **Sec. 106.** Any power or duty vested in or
12 transferred to the director by law or executive order may be
13 delegated by the director to the deputy director or to any other
14 assistant or subordinate; but the director shall be responsible for
15 the official acts of the officers and employees of the department.

16 NEW SECTION. **Sec. 107.** (1) The director may appoint such
17 advisory committees or councils as may be required by any federal
18 legislation as a condition to the receipt of federal funds by the
19 department.

20 (2) The director may also appoint statewide committees or
21 councils on such subject matters as are or come within the
22 department's responsibilities.

23 (3) The director may also appoint advisory committees on K-12
24 public education.

25 (4) Members of state advisory committees or councils under this
26 section may be paid their travel expenses in accordance with RCW
27 43.03.050 and 43.03.060.

28 NEW SECTION. **Sec. 108.** In furtherance of the policy of the
29 state to cooperate with the federal government in all of the programs
30 under the jurisdiction of the department, such rules as may become
31 necessary to entitle the state to participate in federal funds may be
32 adopted, unless expressly prohibited by law. Any internal
33 reorganization carried out under the terms of this chapter shall meet
34 federal requirements that are a necessary condition to state receipt
35 of federal funds. Any section or provision of law dealing with the
36 department that may be susceptible to more than one construction

1 shall be interpreted in favor of the construction most likely to
2 comply with federal laws entitling this state to receive federal
3 funds for the various programs of the department. If any law dealing
4 with the department is ruled to be in conflict with federal
5 requirements that are a prescribed condition of the allocation of
6 federal funds to the state, or to any departments or agencies
7 thereof, the conflicting part is declared to be inoperative solely to
8 the extent of the conflict.

9 NEW SECTION. **Sec. 109.** (1) The governor shall appoint a
10 transition team to plan the technical and practical steps required to
11 bring the office of the superintendent of public instruction into a
12 new department as provided in this act. The transition team may
13 include representatives from the office of the superintendent of
14 public instruction. The governor shall appoint the lead of the
15 transition team.

16 (2) The transition team shall complete the transition plan and
17 implementation schedule by January 1, 2018. The plan shall be
18 designed to phase-in the operation of the department of education to
19 begin by July 1, 2018, and be completed by July 1, 2019.

20 (3) This section expires July 1, 2020.

21 NEW SECTION. **Sec. 110.** A new section is added to chapter 41.06
22 RCW to read as follows:

23 In addition to the exemptions under RCW 41.06.070, the provisions
24 of this chapter shall not apply in the department of education to the
25 director, the director's personal secretary, the deputy director, all
26 division directors and assistant directors, and one confidential
27 secretary for each of these officers.

28 **Sec. 111.** RCW 43.17.010 and 2011 1st sp.s. c 43 s 107 are each
29 amended to read as follows:

30 There shall be departments of the state government which shall be
31 known as (1) the department of social and health services, (2) the
32 department of ecology, (3) the department of labor and industries,
33 (4) the department of agriculture, (5) the department of fish and
34 wildlife, (6) the department of transportation, (7) the department of
35 licensing, (8) the department of enterprise services, (9) the
36 department of commerce, (10) the department of veterans affairs, (11)
37 the department of revenue, (12) the department of retirement systems,

1 (13) the department of corrections, (14) the department of health,
2 (15) the department of financial institutions, (16) the department of
3 archaeology and historic preservation, (17) the department of early
4 learning, (~~and~~) (18) the Puget Sound partnership, and (19) the
5 department of education, which shall be charged with the execution,
6 enforcement, and administration of such laws, and invested with such
7 powers and required to perform such duties, as the legislature may
8 provide.

9 **Sec. 112.** RCW 43.17.020 and 2011 1st sp.s. c 43 s 108 are each
10 amended to read as follows:

11 There shall be a chief executive officer of each department to be
12 known as: (1) The secretary of social and health services, (2) the
13 director of ecology, (3) the director of labor and industries, (4)
14 the director of agriculture, (5) the director of fish and wildlife,
15 (6) the secretary of transportation, (7) the director of licensing,
16 (8) the director of enterprise services, (9) the director of
17 commerce, (10) the director of veterans affairs, (11) the director of
18 revenue, (12) the director of retirement systems, (13) the secretary
19 of corrections, (14) the secretary of health, (15) the director of
20 financial institutions, (16) the director of the department of
21 archaeology and historic preservation, (17) the director of early
22 learning, (~~and~~) (18) the executive director of the Puget Sound
23 partnership, and (19) the director of education.

24 Such officers, except the director of fish and wildlife, shall be
25 appointed by the governor, with the consent of the senate, and hold
26 office at the pleasure of the governor. The director of fish and
27 wildlife shall be appointed by the fish and wildlife commission as
28 prescribed by RCW 77.04.055.

29 **Sec. 113.** RCW 42.17A.705 and 2015 3rd sp.s. c 1 s 406 and 2015 c
30 1 s 317 are each reenacted and amended to read as follows:

31 For the purposes of RCW 42.17A.700, "executive state officer"
32 includes:

33 (1) The chief administrative law judge, the director of
34 agriculture, the director of the department of services for the
35 blind, the director of the state system of community and technical
36 colleges, the director of commerce, the director of the consolidated
37 technology services agency, the secretary of corrections, the
38 director of early learning, the director of ecology, the director of

1 education, the commissioner of employment security, the chair of the
2 energy facility site evaluation council, the director of enterprise
3 services, the secretary of the state finance committee, the director
4 of financial management, the director of fish and wildlife, the
5 executive secretary of the forest practices appeals board, the
6 director of the gambling commission, the secretary of health, the
7 administrator of the Washington state health care authority, the
8 executive secretary of the health care facilities authority, the
9 executive secretary of the higher education facilities authority, the
10 executive secretary of the horse racing commission, the executive
11 secretary of the human rights commission, the executive secretary of
12 the indeterminate sentence review board, the executive director of
13 the state investment board, the director of labor and industries, the
14 director of licensing, the director of the lottery commission, the
15 director of the office of minority and women's business enterprises,
16 the director of parks and recreation, the executive director of the
17 public disclosure commission, the executive director of the Puget
18 Sound partnership, the director of the recreation and conservation
19 office, the director of retirement systems, the director of revenue,
20 the secretary of social and health services, the chief of the
21 Washington state patrol, the executive secretary of the board of tax
22 appeals, the secretary of transportation, the secretary of the
23 utilities and transportation commission, the director of veterans
24 affairs, the president of each of the regional and state universities
25 and the president of The Evergreen State College, and each district
26 and each campus president of each state community college;

27 (2) Each professional staff member of the office of the governor;

28 (3) Each professional staff member of the legislature; and

29 (4) Central Washington University board of trustees, the boards
30 of trustees of each community college and each technical college,
31 each member of the state board for community and technical colleges,
32 state convention and trade center board of directors, Eastern
33 Washington University board of trustees, Washington economic
34 development finance authority, Washington energy northwest executive
35 board, The Evergreen State College board of trustees, executive
36 ethics board, fish and wildlife commission, forest practices appeals
37 board, forest practices board, gambling commission, Washington health
38 care facilities authority, student achievement council, higher
39 education facilities authority, horse racing commission, state
40 housing finance commission, human rights commission, indeterminate

1 sentence review board, board of industrial insurance appeals, state
2 investment board, commission on judicial conduct, legislative ethics
3 board, life sciences discovery fund authority board of trustees,
4 liquor (~~control~~) and cannabis board, lottery commission, Pacific
5 Northwest electric power and conservation planning council, parks and
6 recreation commission, Washington personnel resources board, board of
7 pilotage commissioners, pollution control hearings board, public
8 disclosure commission, public employees' benefits board, recreation
9 and conservation funding board, salmon recovery funding board,
10 shorelines hearings board, board of tax appeals, transportation
11 commission, University of Washington board of regents, utilities and
12 transportation commission, Washington State University board of
13 regents, and Western Washington University board of trustees.

14 NEW SECTION. **Sec. 114.** (1) The office of the superintendent of
15 public instruction is hereby abolished and its powers, duties, and
16 functions are hereby transferred to the department of education. All
17 references to the superintendent of public instruction or the office
18 of the superintendent of public instruction in the Revised Code of
19 Washington shall be construed to mean the director or the department
20 of education.

21 (2)(a) All reports, documents, surveys, books, records, files,
22 papers, or written material in the possession of the office of the
23 superintendent of public instruction shall be delivered to the
24 custody of the department of education. All cabinets, furniture,
25 office equipment, motor vehicles, and other tangible property
26 employed by the office of the superintendent of public instruction
27 shall be made available to the department of education. All funds,
28 credits, or other assets held by the office of the superintendent of
29 public instruction shall be assigned to the department of education.

30 (b) Any appropriations made to the office of the superintendent
31 of public instruction shall, on the effective date of this section,
32 be transferred and credited to the department of education.

33 (c) If any question arises as to the transfer of any personnel,
34 funds, books, documents, records, papers, files, equipment, or other
35 tangible property used or held in the exercise of the powers and the
36 performance of the duties and functions transferred, the director of
37 financial management shall make a determination as to the proper
38 allocation and certify the same to the state agencies concerned.

1 (3) All employees of the office of the superintendent of public
2 instruction are transferred to the jurisdiction of the department of
3 education. All employees classified under chapter 41.06 RCW, the
4 state civil service law, are assigned to the department of education
5 to perform their usual duties upon the same terms as formerly,
6 without any loss of rights, subject to any action that may be
7 appropriate thereafter in accordance with the laws and rules
8 governing state civil service.

9 (4) All rules and all pending business before the office of the
10 superintendent of public instruction shall be continued and acted
11 upon by the department of education. All existing contracts and
12 obligations shall remain in full force and shall be performed by the
13 department of education.

14 (5) The transfer of the powers, duties, functions, and personnel
15 of the office of the superintendent of public instruction shall not
16 affect the validity of any act performed before the effective date of
17 this section.

18 (6) If apportionments of budgeted funds are required because of
19 the transfers directed by this section, the director of financial
20 management shall certify the apportionments to the agencies affected,
21 the state auditor, and the state treasurer. Each of these shall make
22 the appropriate transfer and adjustments in funds and appropriation
23 accounts and equipment records in accordance with the certification.

24 (7) All classified employees of the office of the superintendent
25 of public instruction assigned to the department of education under
26 this section whose positions are within an existing bargaining unit
27 description at the department of education shall become a part of the
28 existing bargaining unit at the department of education and shall be
29 considered an appropriate inclusion or modification of the existing
30 bargaining unit under the provisions of chapter 41.80 RCW.

31 **PART II**

32 **STATE BOARD OF EDUCATION TRANSFERRED**

33 NEW SECTION. **Sec. 201.** (1) The state board of education is
34 hereby abolished and its powers, duties, and functions are hereby
35 transferred to the department of education. All references to the
36 executive director or the state board of education in the Revised
37 Code of Washington shall be construed to mean the director or the
38 department of education.

1 (2)(a) All reports, documents, surveys, books, records, files,
2 papers, or written material in the possession of the state board of
3 education shall be delivered to the custody of the department of
4 education. All cabinets, furniture, office equipment, motor vehicles,
5 and other tangible property employed by the state board of education
6 shall be made available to the department of education. All funds,
7 credits, or other assets held by the state board of education shall
8 be assigned to the department of education.

9 (b) Any appropriations made to the state board of education
10 shall, on the effective date of this section, be transferred and
11 credited to the department of education.

12 (c) If any question arises as to the transfer of any personnel,
13 funds, books, documents, records, papers, files, equipment, or other
14 tangible property used or held in the exercise of the powers and the
15 performance of the duties and functions transferred, the director of
16 financial management shall make a determination as to the proper
17 allocation and certify the same to the state agencies concerned.

18 (3) All employees of the state board of education are transferred
19 to the jurisdiction of the department of education. All employees
20 classified under chapter 41.06 RCW, the state civil service law, are
21 assigned to the department of education to perform their usual duties
22 upon the same terms as formerly, without any loss of rights, subject
23 to any action that may be appropriate thereafter in accordance with
24 the laws and rules governing state civil service.

25 (4) All rules and all pending business before the state board of
26 education shall be continued and acted upon by the department of
27 education. All existing contracts and obligations shall remain in
28 full force and shall be performed by the department of education.

29 (5) The transfer of the powers, duties, functions, and personnel
30 of the state board of education shall not affect the validity of any
31 act performed before the effective date of this section.

32 (6) If apportionments of budgeted funds are required because of
33 the transfers directed by this section, the director of financial
34 management shall certify the apportionments to the agencies affected,
35 the state auditor, and the state treasurer. Each of these shall make
36 the appropriate transfer and adjustments in funds and appropriation
37 accounts and equipment records in accordance with the certification.

38 (7) All classified employees of the state board of education
39 assigned to the department of education under this section whose
40 positions are within an existing bargaining unit description at the

1 department of education shall become a part of the existing
2 bargaining unit at the department of education and shall be
3 considered an appropriate inclusion or modification of the existing
4 bargaining unit under the provisions of chapter 41.80 RCW.

5 **PART III**

6 **MISCELLANEOUS PROVISIONS**

7 NEW SECTION. **Sec. 301.** Sections 101 through 109 and 201 of this
8 act constitute a new chapter in Title 28A RCW.

9 NEW SECTION. **Sec. 302.** This act takes effect July 1, 2019, if
10 the proposed amendment to Article III, sections 1, 3, 10, 22, and 24
11 of the state Constitution eliminating the office of the
12 superintendent of public instruction (H-3919/16) is validly submitted
13 to and is approved and ratified by the voters at the next general
14 election. If the proposed amendment is not approved and ratified,
15 this act is void in its entirety.

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