

# HOUSE BILL REPORT

## HB 1974

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**As Passed House:**  
February 10, 2022

**Title:** An act relating to moving state board of education and educational service district elections to the Washington state school directors' association.

**Brief Description:** Moving state board of education and educational service district elections to the Washington state school directors' association.

**Sponsors:** Representatives Ybarra and Callan; by request of Superintendent of Public Instruction.

**Brief History:**

**Committee Activity:**

Education: 1/27/22, 2/1/22 [DP].

**Floor Activity:**

Passed House: 2/10/22, 95-1.

**Brief Summary of Bill**

- Transfers duties related to the conduct of elections for members of the State Board of Education and members of educational service district boards from the Office of the Superintendent of Public Instruction to the Washington State School Directors' Association.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 13 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg, Bergquist, Callan, McCaslin, McEntire, Ortiz-Self, Rude, Steele and Stonier.

**Staff:** Ethan Moreno (786-7386).

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

## **Background:**

### Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matters pertaining to public schools, the Superintendent of Public Instruction (SPI) and its office has numerous and broad responsibilities prescribed in statute, including:

- making rules and regulations necessary for the administration of public education requirements;
- preparing courses of study and other materials and books for the discharge of education duties;
- fulfilling financial responsibilities, including distributing legislatively allocated funds to districts for the operation of the public school system, and awarding numerous state and federally funded grants; and
- satisfying numerous reporting and other duties assigned by the Legislature.

### State Board of Education.

With origins predating statehood, the 16-member State Board of Education (SBE) is comprised of five members elected by geographic regions by school directors, one member elected by private school directors, seven members appointed by the Governor, the SPI, and two nonvoting student members.

The SBE has various duties and powers prescribed in statute, including:

- providing advocacy and strategic oversight of public education;
- establishing high school graduation requirements or equivalencies;
- identifying scores students must meet to achieve standard on statewide assessments; and
- accrediting private schools.

The elections of the SBE members by school directors and private school board members, including duties pertaining to the calling of elections, are conducted by the Office of the Superintendent of Public Instruction (OSPI) in accordance with statutory requirements and rules adopted by the OSPI.

### Educational Service Districts.

Washington has nine regionally based educational service districts (ESDs) that provide cooperative informational services to local school districts and assist the OSPI and the SBE in the performance of their duties. Among other duties, the ESDs serve as a depository and distribution center for instructional materials, and assist school districts in the preparation of their budgets. The OSPI and the SBE are authorized to delegate assigned programs, projects, and services to the ESDs, and ESDs are obligated to comply with the rules of those agencies.

The ESDs are governed by seven- or nine-member boards that are elected by school directors within each of the ESDs. The ESD boards have powers and duties established in

statute, including the authority to provide school districts with cooperative and informational services that provide for the development and implementation of programs, activities, services, or practices that support the education of public school students or that meet other requirements.

The elections of the ESD board members by school directors, including duties pertaining to the calling of elections, are conducted by the OSPI in accordance with statutory requirements and rules adopted by the OSPI. The tallying of votes cast in the ESD board member elections is conducted by the SPI and a three-person election board appointed by the SPI.

The SPI has additional duties related to ESD board positions. In the event there are more than three vacancies in a seven-member board, or four vacancies in a nine-member board, the SPI must appoint members so that a quorum is serving on the applicable board.

#### Washington State School Directors' Association.

Established by statute, the Washington State School Directors' Association (WSSDA) is the state agency that provides advice and assistance to local school boards. The WSSDA is charged with coordinating policymaking, control, and management of the state's school districts, and is empowered to prepare and adopt materials for its own organization. The WSSDA also adopts model policies and procedures that school districts may adopt, often in response to legislative directives.

#### **Summary of Bill:**

The duty of the OSPI to conduct the elections of the SBE members by school directors and private school board members, including the calling of elections, is transferred to the WSSDA. The WSSDA is directed to adopt related procedures for the elections.

The duty of the OSPI to conduct the elections of the ESD board members by school directors is transferred to the WSSDA, and the responsibility for the calling of elections is transferred from the SPI to the executive director of the WSSDA. The WSSDA is directed to adopt related procedures for the elections and the executive director of the WSSDA is made responsible for assisting with the count and appointing a three-person election board to tally votes cast in the ESD board member elections.

Other related duties pertaining to the ESDs are also transferred from the OSPI to the WSSDA. In the event there are more than three vacancies in a seven-member board, or four vacancies in a nine-member board, the WSSDA president, instead of the SPI, must appoint members so that a quorum is serving on the applicable board.

Provisions governing the general authority of the WSSDA are modified to expressly provide that the WSSDA is empowered to prepare and adopt materials for the election of SBE members and for the ESD elections.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is a simple bill that moves the elections that the OSPI administers for the SBE and the ESDs to the WSSDA. The WSSDA has experience conducting elections and can easily conduct these other elections. The WSSDA is run by school board members that are locally elected.

The WSSDA has an existing process for conducting elections for its officers. Stakeholders would like to see a process that eventually aligns other education board member elections with those of the SBE, resulting in one election for education positions.

This is a straightforward bill—the WSSDA is better positioned to engage and support school districts in their elections than the OSPI.

(Opposed) None.

**Persons Testifying:** Representative Alex Ybarra, prime sponsor; Tim Garchow, Washington State School Directors' Association; and Anna Hernandez-French, Office of the Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying:** None.