

SENATE BILL REPORT

SB 5820

As of January 21, 2022

Title: An act relating to appointing the superintendent of public instruction.

Brief Description: Appointing the superintendent of public instruction.

Sponsors: Senators Carlyle and Hunt.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/21/22.

Brief Summary of Bill

- Requires the Governor to appoint the Superintendent of Public Instruction with the consent of the Senate instead of this being a separately elected statewide office.
- Specifies that the effective date of this act is contingent on a constitutional amendment being approved and ratified by the voters at the next general election.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: The Superintendent of Public Instruction has supervision over all matters pertaining to the public schools of the state. Under the State Constitution, the Superintendent is a separately elected statewide office in the executive branch of the government. The Superintendent must perform other specific duties as required by law.

A proposed amendment to the State Constitution must be approved by two-thirds of the members elected to each house of the Legislature, and then approved by a majority of the voters in the next general election.

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.

Summary of Bill: Instead of the Superintendent of Public Instruction being a separately elected statewide office, the Governor must appoint the Superintendent with the consent of the Senate. If a vacancy occurs in the position while the Senate is not in session, the Governor must make a temporary appointment until the next meeting of the Senate at which time the Governor must present the Senate with a nomination for the position. The Superintendent must be paid a fixed salary in accordance with state law.

The current Superintendent must continue in office for the remainder of the term for which they were elected until a successor is appointed by the Governor.

References to the Superintendent being a separately elected statewide office are removed from state law.

This act takes effect if the proposed amendment to certain sections of Article III of the State Constitution providing for the appointment of the Superintendent of Public Instruction is validly submitted to and is approved and ratified by the voters at the next general election and certified by the Secretary of State.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains a contingent effective date. Please see the bill.

Staff Summary of Public Testimony: Testifiers were invited to provide testimony on both SB 5820 and SJR 8212 at the same time. As a result, the summary below reflects combined testimony on both the bill and joint resolution.

PRO: Education is half of the state's budget and the paramount duty of the state. However, authority and accountability for education has been spread thin across many entities. The Governor only has modest authority over the education system. Voters often think the Governor and the Superintendent have more authority than they actually do over schools. This bill is not about specific individuals but about a problem with the system. There is never a perfect answer to governance, but most other states have the Governor play an important role in education. The current system is too decentralized.

CON: Because school funding comes from the voters, the accountability for the Superintendent position needs to stay with the voters. It's insulting to take away parents' ability to vote on the Superintendent. Parents already feel like their voices are not heard. Washington State's education system is rated well, so no change is needed. The Constitution should not be amended to allow the Governor to appoint this position. This bill is a power grab and could create a conflict of interest.

OTHER: Voters should vote on who should fill the Superintendent role, and there are concerns with giving the Governor more power.

Persons Testifying: PRO: Senator Reuven Carlyle, Prime Sponsor; Chris Reykdal, OSPI.

CON: Shelly Burt; Laurie Buhler; Jennifer Heine-Withee, Resolution Fitness; Terri Dow.

OTHER: Rebecca Hamilton.

Persons Signed In To Testify But Not Testifying: No one.