
HOUSE BILL 1974

State of Washington

67th Legislature

2022 Regular Session

By Representatives Ybarra and Callan; by request of Superintendent of Public Instruction

Read first time 01/13/22. Referred to Committee on Education.

1 AN ACT Relating to moving state board of education and
2 educational service district elections to the Washington state school
3 directors' association; and amending RCW 28A.305.021, 28A.345.030,
4 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.080, 28A.310.090, and
5 28A.310.100.

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

7 **Sec. 1.** RCW 28A.305.021 and 2005 c 497 s 102 are each amended to
8 read as follows:

9 The election of state board of education members by school
10 directors and private school board members shall be conducted by the
11 (~~office of the superintendent of public instruction~~) Washington
12 state school directors' association for the members of the state
13 board who begin serving on January 1, 2006, and thereafter.

14 (1) The (~~superintendent~~) Washington state school directors'
15 association shall adopt (~~rules~~) procedures for the conduct of
16 elections, which shall include, but need not be limited to: The
17 definition of the eastern Washington and western Washington
18 geographic regions of the state for the purpose of determining board
19 member positions; the weighting of votes cast by the number of
20 students in the school director's school district or board member's
21 private school; election and dispute resolution procedures; the

1 process for filling vacancies; and election timelines. The election
2 timeline shall include calling for elections no later than the
3 (~~twenty-fifth~~) 25th of August, and notification of the election
4 results no later than the (~~fifteenth~~) 15th of December.

5 (2) State board member positions one and two shall be filled by
6 residents of the eastern Washington region and positions three, four,
7 and five shall be filled by residents of the western Washington
8 region.

9 (3) A school director shall be eligible to vote only for a
10 candidate for each position in the geographic region within which the
11 school director resides.

12 (4) Initial terms of the individuals elected by the school
13 directors shall be for terms of two to four years in length as
14 follows: Two members, one from eastern Washington and one from
15 western Washington, shall be elected to two-year terms; two members,
16 one from eastern Washington and one from western Washington, shall be
17 elected to four-year terms; and one member from western Washington
18 shall be elected to a three-year term. The term of the private school
19 member shall be two years. All terms shall expire on the second
20 Monday of January of the applicable year.

21 (5) No person employed in any public or private school, college,
22 university, or other educational institution or any educational
23 service district superintendent's office or in the office of the
24 superintendent of public instruction is eligible for membership on
25 the state board of education. No member of a board of directors of a
26 local school district or private school may continue to serve in that
27 capacity after having been elected to the state board.

28 **Sec. 2.** RCW 28A.345.030 and 1991 c 66 s 1 are each amended to
29 read as follows:

30 The school directors' association shall have the power:

31 (1) To prepare and adopt, amend, and repeal a constitution
32 (~~and~~), and rules and regulations, and bylaws for its own organization
33 including county or regional units (~~and~~), and for its government and
34 guidance, for the election of state board of education members, and
35 for educational service district elections: PROVIDED, That action
36 taken with respect thereto is consistent with the provisions of this
37 chapter or with other provisions of law;

1 (2) To arrange for and call such meetings of the association or
2 of the officers and committees thereof as are deemed essential to the
3 performance of its duties;

4 (3) To provide for the compensation of members of the board of
5 directors in accordance with RCW 43.03.240, and for payment of travel
6 and subsistence expenses incurred by members and/or officers of the
7 association and association staff while engaged in the performance of
8 duties under direction of the association in the manner provided by
9 RCW 28A.320.050;

10 (4) To employ an executive director and other staff and pay such
11 employees out of the funds of the association;

12 (5) To conduct studies and disseminate information therefrom
13 relative to increased efficiency in local school board
14 administration;

15 (6) To buy, lease, sell, or exchange such personal and real
16 property as necessary for the efficient operation of the association
17 and to borrow money, issue deeds of trust or other evidence of
18 indebtedness, or enter into contracts for the purchase, lease,
19 remodeling, or equipping of office facilities or the acquisition of
20 sites for such facilities;

21 (7) To purchase liability insurance for school directors, which
22 insurance may indemnify said directors against any or all liabilities
23 for personal or bodily injuries and property damage arising from
24 their acts or omissions while performing or while in good faith
25 purporting to perform their official duties as school directors;

26 (8) To provide advice and assistance to local boards to promote
27 their primary duty of representing the public interest;

28 (9) Upon request by a local school district board(s) of
29 directors, to make available on a cost reimbursable contract basis
30 (a) specialized services, (b) research information, and (c)
31 consultants to advise and assist district board(s) in particular
32 problem areas: PROVIDED, That such services, information, and
33 consultants are not already available from other state agencies,
34 educational service districts, or from the information and research
35 services authorized by RCW 28A.320.110.

36 **Sec. 3.** RCW 28A.310.030 and 2006 c 263 s 603 are each amended to
37 read as follows:

38 Except as otherwise provided in this chapter, in each educational
39 service district there shall be an educational service district board

1 consisting of seven members elected by the school directors of the
2 educational service district, one from each of seven educational
3 service district board-member districts. Board-member districts in
4 districts reorganized under RCW 28A.310.020, or as provided for in
5 RCW 28A.310.120 and under this section, shall be initially determined
6 by the state board of education. If a reorganization pursuant to RCW
7 28A.310.020 places the residence of a board member into another or
8 newly created educational service district, such member shall serve
9 on the board of the educational service district of residence and at
10 the next election called by the (~~superintendent of public~~
11 ~~instruction~~)) executive director of the Washington state school
12 directors' association pursuant to RCW 28A.310.080 a new seven member
13 board shall be elected. If the redrawing of board-member district
14 boundaries pursuant to this chapter shall cause the resident board-
15 member district of two or more board members to coincide, such board
16 members shall continue to serve on the board and at the next election
17 called by the (~~superintendent of public instruction~~)) executive
18 director of the Washington state school directors' association a new
19 board shall be elected. The board-member districts shall be arranged
20 so far as practicable on a basis of equal population, with
21 consideration being given existing board members of existing
22 educational service district boards. Each educational service
23 district board member shall be elected by the school directors of
24 each school district within the educational service district.
25 Beginning in 1971 and every ten years thereafter, educational service
26 district boards shall review and, if necessary, shall change the
27 boundaries of board-member districts so as to provide so far as
28 practicable equal representation according to population of such
29 board-member districts and to conform to school district boundary
30 changes: PROVIDED, That all board-member district boundaries, to the
31 extent necessary to conform with this chapter, shall be immediately
32 redrawn for the purposes of the next election called by the
33 (~~superintendent of public instruction~~)) executive director of the
34 Washington state school directors' association following any
35 reorganization pursuant to this chapter. Such district board, if
36 failing to make the necessary changes prior to June 1st of the
37 appropriate year, shall refer for settlement questions on board-
38 member district boundaries to the office of the superintendent of
39 public instruction, which, after a public hearing, shall decide such
40 questions.

1 **Sec. 4.** RCW 28A.310.050 and 2006 c 263 s 604 are each amended to
2 read as follows:

3 Any educational service district board may elect by resolution of
4 the board to increase the board member size to nine board members. In
5 such case positions number eight and nine shall be filled at the next
6 election called by the (~~superintendent of public instruction~~)
7 executive director of the Washington state school directors'
8 association, position numbered eight to be for a term of two years,
9 position numbered nine to be for a term of four years. Thereafter the
10 terms for such positions shall be for four years.

11 **Sec. 5.** RCW 28A.310.060 and 2006 c 263 s 605 are each amended to
12 read as follows:

13 The term of every educational service district board member shall
14 begin on the second Monday in January next following the election at
15 which he or she was elected: PROVIDED, That a person elected to less
16 than a full term pursuant to this section shall take office as soon
17 as the election returns have been certified and he or she has
18 qualified. In the event of a vacancy in the board from any cause,
19 such vacancy shall be filled by appointment of a person from the same
20 board-member district by the educational service district board. In
21 the event that there are more than three vacancies in a seven-member
22 board or four vacancies in a nine-member board, the (~~superintendent~~
23 ~~of public instruction~~) Washington state school directors'
24 association president shall fill by appointment sufficient vacancies
25 so that there shall be a quorum of the board serving. Each appointed
26 board member shall serve until his or her successor has been elected
27 at the next election called by the (~~superintendent of public~~
28 ~~instruction~~) executive director of the Washington state school
29 directors' association and has qualified.

30 **Sec. 6.** RCW 28A.310.080 and 2007 c 460 s 1 are each amended to
31 read as follows:

32 Not later than the (~~twenty-fifth~~) 25th day of August of every
33 odd-numbered year, the (~~superintendent of public instruction~~)
34 executive director of the Washington state school directors'
35 association shall call an election to be held in each educational
36 service district within which resides a member of the board of the
37 educational service district whose term of office expires on the
38 second Monday of January next following, and shall give written

1 notice thereof to each member of the board of directors of each
2 school district in such educational service district. Such notice
3 shall include instructions and (~~rules~~) procedures established by
4 the (~~superintendent of public instruction~~) Washington state school
5 directors' association for the conduct of the election.

6 **Sec. 7.** RCW 28A.310.090 and 2006 c 263 s 606 are each amended to
7 read as follows:

8 Candidates for membership on an educational service district
9 board shall file declarations of candidacy with the (~~superintendent~~
10 ~~of public instruction~~) Washington state school directors'
11 association on forms prepared by the (~~superintendent~~) association.
12 Declarations of candidacy may be filed by person or by mail not
13 earlier than the first day of September, nor later than the
14 (~~sixteenth~~) 16th day of September. The (~~superintendent~~)
15 association may not accept any declaration of candidacy that is not
16 on file in (~~his or her~~) its office or is not postmarked before the
17 (~~seventeenth~~) 17th day of September.

18 **Sec. 8.** RCW 28A.310.100 and 2006 c 263 s 607 are each amended to
19 read as follows:

20 Each member of an educational service district board shall be
21 elected by a majority of the votes cast at the election for all
22 candidates for the position. All votes shall be cast by mail
23 addressed to the (~~superintendent of public instruction~~) Washington
24 state school directors' association and no votes shall be accepted
25 for counting if postmarked after the (~~sixteenth~~) 16th day of
26 October or if not postmarked or the postmark is not legible, if
27 received by mail after the (~~twenty-first~~) 21st day of October
28 following the call of the election. The (~~superintendent of public~~
29 ~~instruction~~) executive director of the Washington state school
30 directors' association and an election board comprised of three
31 persons appointed by the (~~superintendent~~) association shall count
32 and tally the votes not later than the (~~twenty-fifth~~) 25th day of
33 October in the following manner: Each vote cast by a school director
34 shall be accorded as one vote. If no candidate receives a majority of
35 the votes cast, then, not later than the first day of November, the
36 (~~superintendent of public instruction~~) executive director of the
37 Washington state school directors' association shall call a second
38 election to be conducted in the same manner and at which the

1 candidates shall be the two candidates receiving the highest number
2 of votes cast. No vote cast at such second election shall be received
3 for counting if postmarked after the (~~sixteenth~~) 16th day of
4 November or if not postmarked or the postmark is not legible, if
5 received by mail after the (~~twenty-first~~) 21st day of November and
6 the votes shall be counted as hereinabove provided on the (~~twenty-~~
7 ~~fifth~~) 25th day of November. The candidate receiving a majority of
8 votes at any such second election shall be declared elected. In the
9 event of a tie in such second election, the candidate elected shall
10 be determined by a chance drawing of a nature established by the
11 (~~superintendent of public instruction~~) executive director of the
12 Washington state school directors' association. Within (~~ten~~) 10
13 days following the count of votes in an election at which a member of
14 an educational service district board is elected, the
15 (~~superintendent of public instruction~~) executive director of the
16 Washington state school directors' association shall certify to the
17 county auditor of the headquarters county of the educational service
18 district the name or names of the persons elected to be members of
19 the educational service district board.

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