
SUBSTITUTE HOUSE BILL 2113

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Education (originally sponsored by Representatives Locke and H. Sommers).

Read first time March 6, 1991.

1 AN ACT Relating to election of school board directors in first
2 class school districts having within their boundaries a city with a
3 population of four hundred thousand people or more in class AA
4 counties; amending RCW 28A.315.450, 28A.315.570, 28A.315.630,
5 28A.315.670, 28A.315.680; reenacting and amending RCW 28A.315.110 and
6 28A.315.670; repealing 1990 c 59 s 72; providing an effective date;
7 providing an expiration date; and declaring an emergency.

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

9 **Sec. 1.** RCW 28A.315.110 and 1990 c 161 s 2 and 1990 c 33 s 298 are
10 each reenacted and amended to read as follows:

11 The powers and duties of each regional committee shall be:

12 (1) To initiate, on its own motion and whenever it deems such
13 action advisable, proposals or alternate proposals for changes in the
14 organization and extent of school districts in the educational service
15 district; to receive, consider, and revise, whenever in its judgment

1 revision is advisable, proposals initiated by petition or presented to
2 the committee by the educational service district superintendent as
3 provided for in this chapter; to prepare and submit to the state board
4 any of the aforesaid proposals that are found by the regional committee
5 to provide for satisfactory improvement in the school district system
6 of the educational service district and state; to prepare and submit
7 with the aforesaid proposals, a map showing the boundaries of existing
8 school districts affected by any proposed change and the boundaries,
9 including a description thereof, of each proposed new school district
10 or of each existing school district as enlarged or diminished by any
11 proposed change, or both, and a summary of the reasons for the proposed
12 change; and such other reports, records, and materials as the state
13 board may request. The committee may utilize as a basis of its
14 proposals and changes that comprehensive plan for changes in the
15 organization and extent of the school districts of the county prepared
16 and submitted to the state board prior to September 1, 1956, or, if the
17 then county committee found, after considering the factors listed in
18 RCW 28A.315.120, that no changes in the school district organization of
19 the county were needed, the report to this effect submitted to the
20 state board.

21 (2) (a) To make an equitable adjustment of the property and other
22 assets and of the liabilities, including bonded indebtedness and excess
23 tax levies as otherwise authorized under this section, as to the old
24 school districts and the new district or districts, if any, involved in
25 or affected by a proposed change in the organization and extent of the
26 school districts; and (b) to make an equitable adjustment of the bonded
27 indebtedness outstanding against any of the aforesaid districts
28 whenever in its judgment such adjustment is advisable, as to all of the
29 school districts involved in or affected by any change heretofore or
30 hereafter effected; and (c) to provide that territory transferred from

1 a school district by a change in the organization and extent of school
2 districts shall either remain subject to, or be relieved of, any one or
3 more excess tax levies which are authorized for the school district
4 under RCW 84.52.053 before the effective date of the transfer of
5 territory from the school district; and (d) to provide that territory
6 transferred to a school district by a change in the organization and
7 extent of school districts shall either be made subject to, or be
8 relieved of, any one or more excess tax levies which are authorized for
9 the school district under RCW 84.52.053 before the effective date of
10 the transfer of territory to the school district; and (e) to submit to
11 the state board the proposed terms of adjustment and a statement of the
12 reasons therefor in each case. In making the adjustments herein
13 provided for, the regional committee shall consider the number of
14 children of school age resident in and the assessed valuation of the
15 property located in each school district and in each part of a district
16 involved or affected; the purpose for which the bonded indebtedness of
17 any school district was incurred; the value, location, and disposition
18 of all improvements located in the school districts involved or
19 affected; and any other matters which in the judgment of the committee
20 are of importance or essential to the making of an equitable
21 adjustment.

22 (3) To hold and keep a record of a public hearing or public
23 hearings (a) on every proposal for the formation of a new school
24 district or for the transfer from one existing district to another of
25 any territory in which children of school age reside or for annexation
26 of territory when the conditions set forth in RCW 28A.315.290 or
27 28A.315.320 prevail; and (b) on every proposal for adjustment of the
28 assets and of the liabilities of school districts provided for in this
29 chapter. Three members of the regional committee or two members of the
30 committee and the educational service district superintendent may be

1 designated by the committee to hold any public hearing that the
2 committee is required to hold. The regional committee shall cause
3 notice to be given, at least ten days prior to the date appointed for
4 any such hearing, in one or more newspapers of general circulation
5 within the geographical boundaries of the school districts affected by
6 the proposed change or adjustment. In addition notice may be given by
7 radio and television, or either thereof, when in the committee's
8 judgment the public interest will be served thereby.

9 (4) To approve the boundaries of director districts in first class
10 school districts having within their boundaries a city with a
11 population of four hundred thousand people or more in class AA
12 counties, under RCW 28A.315.670 and 28A.315.680 and to divide ((into
13 ~~five school directors' districts)) all other first and second class~~
14 ~~school districts now in existence and not heretofore so divided and all~~
15 ~~first and second class school districts hereafter established((:~~
16 ~~PROVIDED, That no first or second class school district shall be~~
17 ~~divided into directors' districts and no second class school district~~
18 ~~shall be divided into a combination of no fewer than three directors'~~
19 ~~districts nor more than two directors at large, unless a majority of~~
20 ~~the registered voters voting thereon at an election shall approve a~~
21 ~~proposition authorizing the division of the district in such manner.~~
22 ~~The boundaries of each directors' district shall be so established that~~
23 ~~each such district shall comprise as nearly as practicable an equal~~
24 ~~portion of the population of the school district)) into school~~
25 directors' districts under RCW 28A.315.590.

26 (5) Except as provided in RCW 28A.315.670 regarding first class
27 school districts having within their boundaries a city with a
28 population of four hundred thousand people or more in class AA
29 counties, to rearrange at any time the committee deems such action
30 advisable in order to correct inequalities caused by changes in

1 population and changes in school district boundaries, the boundaries of
2 any of the directors' districts of any school district heretofore or
3 hereafter so divided: PROVIDED, That a petition therefor, shall be
4 required for rearrangement in order to correct inequalities caused by
5 changes in population. Said petition shall be signed by at least ten
6 registered voters residing in the aforesaid school district, and shall
7 be presented to the educational service district superintendent. A
8 public hearing thereon shall be held by the regional committee, which
9 hearing shall be called and conducted in the manner prescribed in
10 subsection (3) of this section.

11 (6) To prepare and submit to the superintendent of public
12 instruction from time to time or, upon his or her request, reports and
13 recommendations respecting the urgency of need for school plant
14 facilities, the kind and extent of the facilities required, and the
15 development of improved local school administrative units and
16 attendance areas in the case of school districts that seek state
17 assistance in providing school plant facilities.

18 **Sec. 2.** RCW 28A.315.450 and 1980 c 35 s 1 are each amended to read
19 as follows:

20 The governing board of a school district shall be known as the
21 board of directors of the district.

22 Unless otherwise specifically provided, as in RCW 29.13.060, each
23 member of a board of directors shall be elected by ballot by the
24 registered voters of the school district and shall hold office for a
25 term of four years and until a successor is elected and qualified.
26 Terms of school directors shall be staggered, and insofar as possible,
27 not more than a majority of one shall be elected to full terms at any
28 regular election. In case a member or members of a board of directors

1 are to be elected to fill an unexpired term or terms, the ballot shall
2 specify the term for which each such member is to be elected.

3 Except for a school district of the first class having within its
4 boundaries a city with a population of four hundred thousand people or
5 more in class AA counties which shall have a board of directors of
6 (~~seven~~) nine members, the board of directors of every school district
7 of the first class or school district of the second class shall consist
8 of five members.

9 **Sec. 3.** RCW 28A.315.570 and 1990 c 33 s 318 are each amended to
10 read as follows:

11 Any first class school district having a board of directors of five
12 members as provided in RCW 28A.315.450 and which elects directors for
13 a term of six years under the provisions of RCW 29.13.060 shall cause
14 the office of at least one director and no more than two directors to
15 be up for election at each regular school district election held
16 hereafter and, except as provided in RCW 28A.315.680, any first class
17 school district having a board of directors of (~~seven~~) nine members
18 as provided in RCW 28A.315.450 shall cause the office of (~~two~~) four
19 directors and no more than (~~three~~) five directors to be up for
20 election at each regular school district election held hereafter.

21 **Sec. 4.** RCW 28A.315.630 and 1990 c 33 s 323 are each amended to
22 read as follows:

23 Upon the establishment of a new school district of the first class
24 having within its boundaries a city with a population of four hundred
25 thousand people or more in class AA counties, the directors of the
26 largest former first class district and three directors representative
27 of the other former first class districts selected by a majority of the
28 board members of the former first class districts and two directors

1 representative of former second class districts selected by a majority
2 of the board members of former second class districts shall meet at the
3 call of the educational service district superintendent and shall
4 constitute the board of directors of the new district. Each board of
5 directors so constituted shall proceed at once to organize in the
6 manner prescribed by law and thereafter shall have all the powers and
7 duties conferred by law upon boards of first class districts, until the
8 next regular school election and until their successors are elected and
9 qualified. Such duties shall include establishment of new director
10 districts as provided for in RCW 28A.315.670. At the next regular
11 school election (~~((seven))~~ nine directors shall be elected (~~((by director~~
12 ~~districts, two for a term of two years, two for a term of four years~~
13 ~~and three for a term of six years))~~ with the following initial terms:
14 The six directors to be elected by each district shall be elected to
15 four-year terms and the three directors to be elected at-large shall be
16 elected to two-year terms. Thereafter their terms shall be as provided
17 in RCW 28A.315.460.

18 Vacancies once such a board has been reconstituted shall not be
19 filled unless the number of remaining board members is less than
20 (~~((seven))~~ nine, and such vacancies shall be filled in the manner
21 otherwise provided by law.

22 **Sec. 5.** RCW 28A.315.670 and 1990 c 33 s 327 are each amended to
23 read as follows:

24 (1) Notwithstanding any other provision of law, any school district
25 of the first class having within its boundaries a city with a
26 population of four hundred thousand people or more in class AA counties
27 shall be divided into (~~((seven))~~ six director districts. The boundaries
28 of such director districts shall be established by the members of the
29 school board and approved by the (~~((county committee on school district~~

1 organization)) regional committee, such boundaries to be established so
2 that each such district shall comprise, as nearly as practicable, an
3 equal portion of the population of the school district. Boundaries of
4 such director districts shall be adjusted by the school board and
5 approved by the ((county)) regional committee after each federal
6 decennial census if population change shows the need thereof to comply
7 with the equal population requirement ((above. No person shall be
8 eligible for the position of school director in any such director
9 district unless such person resides in the particular director
10 district. Residents in the particular director district desiring to be
11 a candidate for school director shall file their declarations of
12 candidacy for such director district and for the position of director
13 in that district and shall be voted upon in the primary election by the
14 registered voters of that particular director district: PROVIDED, That
15 if not more than one person files a declaration of candidacy for the
16 position of school director in any director district, no primary
17 election shall be held in that district, and such candidate's name
18 alone shall appear on the ballot for the director district position at
19 the general election. The name of the person who receives the greatest
20 number of votes and the name of the person who receives the next
21 greatest number of votes at the primary for each director district
22 position shall appear on the general election ballot under such
23 position and shall be voted upon by all the registered voters in the
24 school district. Except as provided in RCW 28A.315.680, every such
25 director so elected in school districts divided into seven director
26 districts shall serve for a term of four years as otherwise provided in
27 RCW 28A.315.460)) in this subsection.

28 (2) Beginning with the elections in 1991, the school board of any
29 school district of the first class having within its boundaries a city

1 with a population of four hundred thousand people or more in class AA
2 counties shall consist of nine directors, selected as follows:

3 (a) Six directors shall be nominated by director district. No
4 person is eligible for the position of school director under this
5 subsection unless he or she resides in the particular director
6 district. Residents in the particular director district desiring to be
7 candidates for the position of school director shall file their
8 declarations of candidacy for that director district and for the
9 position of director in that district and shall be voted upon in the
10 primary by the registered voters of that particular director district.
11 If not more than one person files a declaration of candidacy for the
12 position of school director in any director district, no primary may be
13 held in that district, and that candidate's name alone shall appear on
14 the ballot for the director district position at the general election.
15 The name of the person who receives the greatest number of votes and
16 the name of the person who receives the next greatest number of votes
17 at the primary for each director district position shall appear on the
18 general election ballot under the position. At the general election,
19 the candidates shall be voted upon by all the registered voters in the
20 school district.

21 (b) Three directors shall be nominated and elected at-large by all
22 of the registered voters in the school district. No person is eligible
23 for the position of school director under this subsection unless the
24 person resides in the school district. Residents in the school
25 district desiring to be candidates for the position of school director
26 shall file their declarations of candidacy for the position of director
27 at-large in that district in accordance with RCW 28A.315.470 and shall
28 be voted upon in the primary by all of the registered voters of the
29 school district. If not more candidates than positions available file
30 a declaration of candidacy for the position of school director in the

1 school district, no primary election shall be held in that district,
2 and such candidates' names alone shall appear on the ballot for the
3 director position at the general election. The name of the person who
4 receives the greatest number of votes and the name of the person who
5 receives the next greatest number of votes at the primary for each at-
6 large position shall appear on the general election ballot. In the
7 general election, the candidates shall be voted upon by all of the
8 registered voters in the school district.

9 (3) Except as provided in RCW 28A.315.680, every director elected
10 under this section shall serve for a term of four years as provided in
11 RCW 28A.315.460.

12 **Sec. 6.** RCW 28A.315.670 and 1990 c 59 s 99 and 1990 c 33 s 327 are
13 each reenacted and amended to read as follows:

14 (1) Notwithstanding any other provision of law, any school district
15 of the first class having within its boundaries a city with a
16 population of four hundred thousand people or more in class AA counties
17 shall be divided into ~~((seven))~~ six director districts. The boundaries
18 of such director districts shall be established by the members of the
19 school board and approved by the ~~((county committee on school district~~
20 organization)) regional committee, such boundaries to be established so
21 that each such district shall comprise, as nearly as practicable, an
22 equal portion of the population of the school district. Boundaries of
23 such director districts shall be adjusted by the school board and
24 approved by the ~~((county))~~ regional committee after each federal
25 decennial census if population change shows the need thereof to comply
26 with the equal population requirement ~~((above. No person shall be~~
27 eligible for the position of school director in any such director
28 district unless such person resides in the particular director
29 district. Residents in the particular director district desiring to be

1 a candidate for school director shall file their declarations of
2 candidacy for such director district and for the position of director
3 in that district and shall be voted upon, in any primary required to be
4 held for the position under Title 29 RCW, by the registered voters of
5 that particular director district. In the general election, each
6 position shall be voted upon by all the registered voters in the school
7 district. The order of the names of candidates shall appear on the
8 primary and general election ballots as required for nonpartisan
9 positions under Title 29 RCW. Except as provided in RCW 28A.315.680,
10 every such director so elected in school districts divided into seven
11 director districts shall serve for a term of four years as otherwise
12 provided in RCW 28A.315.460)) in this subsection.

13 (2) Beginning with the elections in 1991, the school board of any
14 school district of the first class having within its boundaries a city
15 with a population of four hundred thousand people or more in class AA
16 counties shall consist of nine directors, selected as follows:

17 (a) Six directors shall be nominated by director district. No
18 person is eligible for the position of school director under this
19 subsection unless he or she resides in the particular director
20 district. Residents in the particular director district desiring to be
21 candidates for the position of school director shall file their
22 declarations of candidacy for that director district and for the
23 position of director in that district in accordance with RCW
24 28A.315.470 and shall be voted upon in any primary required to be held
25 for the position under Title 29 RCW, by the registered voters of that
26 particular director district. In the general election, each position
27 shall be voted upon by all the registered voters in the school
28 district. The order of the names of candidates shall appear on the
29 primary and general election ballots as required for nonpartisan
30 positions under Title 29 RCW.

1 (b) Three directors shall be nominated and elected at-large by all
2 of the registered voters in the school district. No person is eligible
3 for the position of school director under this subsection unless the
4 person resides in the school district. Residents in the school
5 district desiring to be candidates for the position of school director
6 shall file their declarations of candidacy for the position of director
7 at-large in that district in accordance with RCW 28A.315.470 and shall
8 be voted upon in any primary required to be held for the position under
9 Title 29 RCW, by the registered voters of the school district. The
10 order of the names of candidates shall appear on the primary and
11 general election ballots as required for nonpartisan positions under
12 Title 29 RCW. In the general election, the candidates shall be voted
13 upon by all of the registered voters in the school district.

14 (3) Except as provided in RCW 28A.315.680, every director elected
15 under this section shall serve for a term of four years as provided in
16 RCW 28A.315.460.

17 **Sec. 7.** RCW 28A.315.680 and 1990 c 33 s 328 are each amended to
18 read as follows:

19 ~~((Within thirty days after March 25, 1969, the school boards of any~~
20 ~~school district of the first class having within its boundaries a city~~
21 ~~with a population of four hundred thousand people or more in class AA~~
22 ~~counties shall establish the director district boundaries and obtain~~
23 ~~approval thereof by the county committee on school district~~
24 ~~organization. Appointment of a board member to fill any vacancy~~
25 ~~existing for a new director district prior to the next regular school~~
26 ~~election shall be by the school board. Prior to the next regular~~
27 ~~election in the school district and the filing of declarations of~~
28 ~~candidacy therefor, the incumbent school board shall designate said~~
29 ~~director districts by number. Directors appointed to fill vacancies as~~

1 ~~above provided shall be subject to election, one for a six year term,~~
2 ~~and one for a two year term and thereafter the term of their respective~~
3 ~~successors shall be for four years. The term of office of incumbent~~
4 ~~members of the board of such district shall not be affected by RCW~~
5 ~~28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680,~~
6 ~~29.21.180, and 29.21.210.)~~)

7 (1) Before June 30, 1991, the school board of any school district
8 of the first class having within its boundaries a city with a
9 population for four hundred thousand people or more in class AA
10 counties shall establish the boundaries of six new director districts
11 and obtain approval of the boundaries by the regional committee.

12 (2) On or before July 10, 1991, the school board shall number each
13 of the nine director positions, giving each director district position
14 a number of one through six and each at-large director position a
15 number of seven through nine. As of July 10, 1991, the existing
16 director positions shall terminate, the terms of all incumbent
17 directors shall expire, and the newly created director positions shall
18 become effective. Any incumbent director residing in one of the newly
19 created director districts shall automatically be appointed to the
20 position of director for such director district, except that, if two or
21 more incumbent directors reside in the same newly created director
22 district, the school board shall by lot appoint one of the incumbent
23 directors to the position of director for such director district and
24 shall appoint the remaining incumbent directors to the at-large
25 positions.

26 (3) After the incumbent directors have been appointed to the new
27 director positions and before July 10, 1991, the school board shall
28 designate which director positions shall have four-year terms and which
29 will have two-year terms, as described in this subsection. Five of the
30 positions shall have initial terms that begin July 10, 1991, and

1 continue until the regular elections in 1991, at which time those
2 positions shall be filled for four-year terms. Four of the positions
3 shall have initial terms that begin July 10, 1991, and continue until
4 the regular elections in 1993, at which time those positions shall be
5 filled for four-year terms. To the extent possible, the designation of
6 terms shall be done so that incumbent directors will have terms under
7 the new election system that are similar to their current terms. The
8 terms of the successors to all nine director positions shall be four
9 years.

10 (4) The newly created at-large director positions shall be filled
11 at the regular elections in 1991 and shall not be filled prior to that
12 time.

13 NEW SECTION. Sec. 8. 1990 c 59 s 72 is repealed.

14 NEW SECTION. Sec. 9. Section 5 of this act shall expire July
15 1, 1992.

16 NEW SECTION. Sec. 10. Section 6 of this act shall take effect
17 July 1, 1992.

18 NEW SECTION. Sec. 11. Sections 1 through 5 and 7 of this act
19 are necessary for the immediate preservation of the public peace,
20 health, or safety, or support of the state government and its existing
21 public institutions, and shall take effect immediately.