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**HOUSE BILL 1974**

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**State of Washington 67th Legislature 2022 Regular Session**

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

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

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

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

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

(1) The ((~~superintendent~~)) Washington state school directors' association shall adopt ((~~rules~~)) procedures for the conduct of elections, which shall include, but need not be limited to: The definition of the eastern Washington and western Washington geographic regions of the state for the purpose of determining board member positions; the weighting of votes cast by the number of students in the school director's school district or board member's private school; election and dispute resolution procedures; the process for filling vacancies; and election timelines. The election timeline shall include calling for elections no later than the ((~~twenty-fifth~~)) 25th of August, and notification of the election results no later than the ((~~fifteenth~~)) 15th of December.

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

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

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

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

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

The school directors' association shall have the power:

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

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

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

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

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

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

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

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

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

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

Except as otherwise provided in this chapter, in each educational service district there shall be an educational service district board consisting of seven members elected by the school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.310.020, or as provided for in RCW 28A.310.120 and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.310.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence and at the next election called by the ((~~superintendent of public instruction~~)) executive director of the Washington state school directors' association pursuant to RCW 28A.310.080 a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board and at the next election called by the ((~~superintendent of public instruction~~)) executive director of the Washington state school directors' association a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next election called by the ((~~superintendent of public instruction~~)) executive director of the Washington state school directors' association following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1st of the appropriate year, shall refer for settlement questions on board-member district boundaries to the office of the superintendent of public instruction, which, after a public hearing, shall decide such questions.

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

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

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

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

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

Not later than the ((~~twenty-fifth~~)) 25th day of August of every odd-numbered year, the ((~~superintendent of public instruction~~)) executive director of the Washington state school directors' association shall call an election to be held in each educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Such notice shall include instructions and ((~~rules~~)) procedures established by the ((~~superintendent of public instruction~~)) Washington state school directors' association for the conduct of the election.

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

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

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

Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the ((~~superintendent of public instruction~~)) Washington state school directors' association and no votes shall be accepted for counting if postmarked after the ((~~sixteenth~~)) 16th day of October or if not postmarked or the postmark is not legible, if received by mail after the ((~~twenty-first~~)) 21st day of October following the call of the election. The ((~~superintendent of public instruction~~)) executive director of the Washington state school directors' association and an election board comprised of three persons appointed by the ((~~superintendent~~)) association shall count and tally the votes not later than the ((~~twenty-fifth~~)) 25th day of October in the following manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the ((~~superintendent of public instruction~~)) executive director of the Washington state school directors' association shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the ((~~sixteenth~~)) 16th day of November or if not postmarked or the postmark is not legible, if received by mail after the ((~~twenty-first~~)) 21st day of November and the votes shall be counted as hereinabove provided on the ((~~twenty-fifth~~)) 25th day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the ((~~superintendent of public instruction~~)) executive director of the Washington state school directors' association. Within ((~~ten~~)) 10 days following the count of votes in an election at which a member of an educational service district board is elected, the ((~~superintendent of public instruction~~)) executive director of the Washington state school directors' association shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board.

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