

SENATE BILL REPORT

HB 1176

AS REPORTED BY COMMITTEE ON EDUCATION, MARCH 27, 1991

**Brief Description:** Specifying timing and voting on filling school board vacancies.

**SPONSORS:** Representatives Leonard, Holland, Peery, Brough, Cole, Forner, Rayburn, Vance, Brumsickle, Jones, Miller, Fuhrman, Phillips, Winsley, Paris and Betrozoff.

**HOUSE COMMITTEE ON EDUCATION**

**SENATE COMMITTEE ON EDUCATION**

**Majority Report:** Do pass.

Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

**Staff:** Susan Mosborg (786-7439)

**Hearing Dates:** March 26, 1991; March 27, 1991

**BACKGROUND:**

RCW 28A.315.530 governs the procedure regarding vacancies on a school board and provides as follows:

"In case of a vacancy from any cause on the board of directors of a school district ... a majority of the legally established number of board members shall fill such vacancy by appointment...."

The RCW does not specifically prohibit a school board member who has announced a resignation, thereby creating a vacancy, from voting on the selection of his or her successor. There was a recent court case in King County in which a resigning board member's authority to vote on the selection of his successor was challenged. Although the court decided the board member could not vote on his successor, citing, in part, the school district's bylaws, it has been suggested that the statute should be clarified to expressly prohibit such action.

**SUMMARY:**

A school board director who has submitted a resignation is prohibited from voting on the selection of his or her replacement.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

The bill came about because the statute is unclear. The situation in King County was settled with a lawsuit. It is hoped this bill will prevent similar disputes in other school districts.

**TESTIMONY AGAINST:** None

**TESTIFIED:** FOR: Representative Bruce Holland, sponsor; Dwayne Slate, Washington State School Directors' Association