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**HOUSE BILL 2269**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representative Dolan; by request of Superintendent of Public Instruction

Prefiled 12/23/19.

1 AN ACT Relating to efficient administration of state education  
2 agencies; and amending RCW 28A.305.011, 28C.18.020, 43.30.205,  
3 43.59.030, 28A.310.030, 28A.305.021, 28A.310.050, 28A.310.060,  
4 28A.310.080, 28A.310.090, 28A.310.100, and 28A.525.025.

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

6 **PART I**

7 **SUPERINTENDENT OF PUBLIC INSTRUCTION BOARD DESIGNEES**

8 **Sec. 101.** RCW 28A.305.011 and 2006 c 263 s 105 are each amended  
9 to read as follows:

10 (1) The membership of the state board of education shall be  
11 composed of sixteen members who are residents of the state of  
12 Washington:

13 (a) Seven shall be members representing the educational system,  
14 as follows:

15 (i) Five members elected by school district directors. Three of  
16 the members elected by school district directors shall be residents  
17 of western Washington and two members shall be residents of eastern  
18 Washington;

1 (ii) One member elected at large by the members of the boards of  
2 directors of all private schools in the state meeting the  
3 requirements of RCW 28A.195.010; and

4 (iii) The superintendent of public instruction or the  
5 superintendent's designee;

6 (b) Seven members appointed by the governor; and

7 (c) Two students selected in a manner determined by the state  
8 board of education.

9 (2) Initial appointments shall be for terms from one to four  
10 years in length, with the terms expiring on the second Monday of  
11 January of the applicable year. As the terms of the first appointees  
12 expire or vacancies on the board occur, the governor shall appoint or  
13 reappoint members of the board to complete the initial terms or to  
14 four-year terms, as appropriate.

15 (a) Appointees of the governor must be individuals who have  
16 demonstrated interest in public schools and are supportive of  
17 educational improvement, have a positive record of service, and who  
18 will devote sufficient time to the responsibilities of the board.

19 (b) In appointing board members, the governor shall consider the  
20 diversity of the population of the state.

21 (c) All appointments to the board made by the governor are  
22 subject to confirmation by the senate.

23 (d) No person may serve as a member of the board, except the  
24 superintendent of public instruction, for more than two consecutive  
25 full four-year terms.

26 (3) The governor may remove an appointed member of the board for  
27 neglect of duty, misconduct, malfeasance, or misfeasance in office,  
28 or for incompetent or unprofessional conduct as defined in chapter  
29 18.130 RCW. In such a case, the governor shall file with the  
30 secretary of state a statement of the causes for and the order of  
31 removal from office, and the secretary of state shall send a  
32 certified copy of the statement of causes and order of removal to the  
33 last known post office address of the member.

34 (4) (a) The chair of the board shall be elected by a majority vote  
35 of the members of the board. The chair of the board shall serve a  
36 term of two years, and may be reelected to an additional term. A  
37 member of the board may not serve as chair for more than two  
38 consecutive terms.

39 (b) Eight voting members of the board constitute a quorum for the  
40 transaction of business.

1 (c) All members except the student members are voting members.

2 (5) Members of the board appointed by the governor who are not  
3 public employees shall be compensated in accordance with RCW  
4 43.03.250 and shall be reimbursed for travel expenses incurred in  
5 carrying out the duties of the board in accordance with RCW 43.03.050  
6 and 43.03.060.

7 **Sec. 102.** RCW 28C.18.020 and 2010 c 128 s 6 are each amended to  
8 read as follows:

9 (1) There is hereby created the workforce training and education  
10 coordinating board as a state agency and as the successor agency to  
11 the state board for vocational education. Once the coordinating board  
12 has convened, all references to the state board for vocational  
13 education in the Revised Code of Washington shall be construed to  
14 mean the workforce training and education coordinating board, except  
15 that reference to the state board for vocational education in RCW  
16 49.04.030 shall mean the state board for community and technical  
17 colleges.

18 (2)(a) The board shall consist of nine voting members appointed  
19 by the governor with the consent of the senate, as follows: Three  
20 representatives of business, three representatives of labor, and,  
21 serving as ex officio members, the superintendent of public  
22 instruction or the superintendent's designee, the executive director  
23 of the state board for community and technical colleges, and the  
24 commissioner of the employment security department. The chair of the  
25 board shall be a nonvoting member selected by the governor with the  
26 consent of the senate, and shall serve at the pleasure of the  
27 governor. In selecting the chair, the governor shall seek a person  
28 who understands the future economic needs of the state and nation and  
29 the role that the state's training system has in meeting those needs.  
30 Each voting member of the board may appoint a designee to function in  
31 his or her place with the right to vote. In making appointments to  
32 the board, the governor shall seek to ensure geographic, ethnic, and  
33 gender diversity and balance. The governor shall also seek to ensure  
34 diversity and balance by the appointment of persons with  
35 disabilities.

36 (b) The business representatives shall be selected from among  
37 nominations provided by a statewide business organization  
38 representing a cross-section of industries. However, the governor may  
39 request, and the organization shall provide, an additional list or

1 lists from which the governor shall select the business  
2 representatives. The nominations and selections shall reflect the  
3 cultural diversity of the state, including women, people with  
4 disabilities, and racial and ethnic minorities, and diversity in  
5 sizes of businesses.

6 (c) The labor representatives shall be selected from among  
7 nominations provided by statewide labor organizations. However, the  
8 governor may request, and the organizations shall provide, an  
9 additional list or lists from which the governor shall select the  
10 labor representatives. The nominations and selections shall reflect  
11 the cultural diversity of the state, including women, people with  
12 disabilities, and racial and ethnic minorities.

13 (d) Each business member may cast a proxy vote or votes for any  
14 business member who is not present and who authorizes in writing the  
15 present member to cast such vote.

16 (e) Each labor member may cast a proxy vote for any labor member  
17 who is not present and who authorizes in writing the present member  
18 to cast such vote.

19 (f) The chair shall appoint to the board one nonvoting member to  
20 represent racial and ethnic minorities, women, and people with  
21 disabilities. The nonvoting member appointed by the chair shall serve  
22 for a term of four years with the term expiring on June 30th of the  
23 fourth year of the term.

24 (g) The business members of the board shall serve for terms of  
25 four years, the terms expiring on June 30th of the fourth year of the  
26 term except that in the case of initial members, one shall be  
27 appointed to a two-year term and one appointed to a three-year term.

28 (h) The labor members of the board shall serve for terms of four  
29 years, the terms expiring on June 30th of the fourth year of the term  
30 except that in the case of initial members, one shall be appointed to  
31 a two-year term and one appointed to a three-year term.

32 (i) Any vacancies among board members representing business or  
33 labor shall be filled by the governor with nominations provided by  
34 statewide organizations representing business or labor, respectively.

35 (j) The board shall adopt bylaws and shall meet at least  
36 bimonthly and at such other times as determined by the chair who  
37 shall give reasonable prior notice to the members or at the request  
38 of a majority of the voting members.

1 (k) Members of the board shall be compensated in accordance with  
2 RCW 43.03.040 and shall receive travel expenses in accordance with  
3 RCW 43.03.050 and 43.03.060.

4 (l) The board shall be formed and ready to assume its  
5 responsibilities under this chapter by October 1, 1991.

6 (m) The director of the board shall be appointed by the governor  
7 from a list of three names submitted by a committee made up of the  
8 business and labor members of the board. However, the governor may  
9 request, and the committee shall provide, an additional list or lists  
10 from which the governor shall select the director. The governor may  
11 dismiss the director only with the approval of a majority vote of the  
12 board. The board, by a majority vote, may dismiss the director with  
13 the approval of the governor.

14 (3) The state board for vocational education is hereby abolished  
15 and its powers, duties, and functions are hereby transferred to the  
16 workforce training and education coordinating board. All references  
17 to the director or the state board for vocational education in the  
18 Revised Code of Washington shall be construed to mean the director or  
19 the workforce training and education coordinating board.

20 **Sec. 103.** RCW 43.30.205 and 2010 c 189 s 1 are each amended to  
21 read as follows:

22 (1) The board shall consist of six members:

23 (a) The governor or the governor's designee;

24 (b) The superintendent of public instruction or the  
25 superintendent's designee;

26 (c) The commissioner;

27 (d) The director of the University of Washington school of forest  
28 resources;

29 (e) The dean of the Washington State University college of  
30 agricultural, human, and natural resource sciences; and

31 (f) A representative of those counties that contain state  
32 forestlands acquired or transferred under RCW 79.22.010, 79.22.040,  
33 and 79.22.020.

34 (2)(a) The county representative on the board shall be selected  
35 by the legislative authorities of those counties that contain state  
36 forestlands acquired or transferred under RCW 79.22.010, 79.22.040,  
37 and 79.22.020. In the selection of the county representative, each  
38 participating county shall have one vote. The Washington state

1 association of counties shall convene a meeting for the purpose of  
2 making the selection and shall notify the board of the selection.

3 (b) The county representative must be a duly elected member of a  
4 county legislative authority who shall serve a term of four years  
5 unless the representative should leave office for any reason. The  
6 initial term shall begin on July 1, 1986.

7 **Sec. 104.** RCW 43.59.030 and 2018 c 201 s 8010 are each amended  
8 to read as follows:

9 The governor shall be assisted in his or her duties and  
10 responsibilities by the Washington state traffic safety commission.  
11 The Washington traffic safety commission shall be composed of the  
12 governor as chair, the superintendent of public instruction or the  
13 superintendent's designee, the director of licensing, the secretary  
14 of transportation, the chief of the state patrol, the secretary of  
15 health, the director of the health care authority, a representative  
16 of the association of Washington cities to be appointed by the  
17 governor, a member of the association of counties to be appointed by  
18 the governor, and a representative of the judiciary to be appointed  
19 by the governor. Appointments to any vacancies among appointee  
20 members shall be as in the case of original appointment.

21 The governor may designate an employee of the governor's office  
22 familiar with the traffic safety commission to act on behalf of the  
23 governor during the absence of the governor at one or more of the  
24 meetings of the commission. The vote of the designee shall have the  
25 same effect as if cast by the governor if the designation is in  
26 writing and is presented to the person presiding at the meetings  
27 included within the designation.

28 The governor may designate a member, other than the governor's  
29 designee, to preside during the governor's absence.

30 **Sec. 105.** RCW 28A.310.030 and 2006 c 263 s 603 are each amended  
31 to read as follows:

32 Except as otherwise provided in this chapter, in each educational  
33 service district there shall be an educational service district board  
34 consisting of seven members elected by the school directors of the  
35 educational service district, one from each of seven educational  
36 service district board-member districts. Board-member districts in  
37 districts reorganized under RCW 28A.310.020, or as provided for in  
38 RCW 28A.310.120 and under this section, shall be initially determined

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

36 **PART II**

37 **ADMINISTRATION OF STATE BOARD OF EDUCATION AND EDUCATIONAL SERVICE**  
38 **DISTRICT ELECTIONS**

1       **Sec. 201.** RCW 28A.305.021 and 2005 c 497 s 102 are each amended  
2 to read as follows:

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

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

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

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

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

35       (5) No person employed in any public or private school, college,  
36 university, or other educational institution or any educational  
37 service district superintendent's office or in the office of the  
38 superintendent of public instruction is eligible for membership on  
39 the state board of education. No member of a board of directors of a



1 local school district or private school may continue to serve in that  
2 capacity after having been elected to the state board.

3 **Sec. 202.** RCW 28A.310.050 and 2006 c 263 s 604 are each amended  
4 to read as follows:

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

13 **Sec. 203.** RCW 28A.310.060 and 2006 c 263 s 605 are each amended  
14 to read as follows:

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

31 **Sec. 204.** RCW 28A.310.080 and 2007 c 460 s 1 are each amended to  
32 read as follows:

33 Not later than the twenty-fifth day of August of every odd-  
34 numbered year, the (~~superintendent of public instruction~~) executive  
35 director of the Washington state school directors' association shall  
36 call an election to be held in each educational service district  
37 within which resides a member of the board of the educational service

1 district whose term of office expires on the second Monday of January  
2 next following, and shall give written notice thereof to each member  
3 of the board of directors of each school district in such educational  
4 service district. Such notice shall include instructions and rules  
5 established by the ~~((superintendent of public instruction))~~  
6 Washington state school directors' association for the conduct of the  
7 election.

8 **Sec. 205.** RCW 28A.310.090 and 2006 c 263 s 606 are each amended  
9 to read as follows:

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

19 **Sec. 206.** RCW 28A.310.100 and 2006 c 263 s 607 are each amended  
20 to read as follows:

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

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

### 20 PART III

#### 21 SCHOOL FACILITY ADVISORY GROUP

22 **Sec. 301.** RCW 28A.525.025 and 2006 c 263 s 308 are each amended  
23 to read as follows:

24 (1) (~~To maintain citizen oversight on issues pertaining to~~  
25 ~~school facilities and funding for school construction, a school~~  
26 ~~facilities citizen advisory panel shall be created by the state board~~  
27 ~~of education. The panel shall advise and make recommendations to the~~  
28 ~~superintendent of public instruction regarding school facilities,~~  
29 ~~funding for school construction, joint planning and financing of~~  
30 ~~educational facilities, facility plans and programs for nonhigh~~  
31 ~~school districts, and determinations of remote and necessary schools.~~

32 (2) ~~The membership of the school facilities citizen advisory~~  
33 ~~panel shall be as follows:~~

34 (a) ~~One member of the state board of education;~~

35 (b) ~~Two school district directors representing school districts~~  
36 ~~of various sizes and geographic locations, who are appointed by the~~  
37 ~~state board of education and selected from a list of five names~~

1 submitted to the board by the Washington state school directors'  
2 association; and

3 ~~(c) Four additional citizen members appointed by the state board~~  
4 ~~of education.~~

5 ~~(3) Members of the panel shall be reimbursed for travel expenses~~  
6 ~~in accordance with RCW 43.03.050 and 43.03.060.~~

7 ~~(4) In addition to the school facilities citizen advisory~~  
8 ~~panel,)) To advise the superintendent of public instruction on issues~~  
9 ~~pertaining to school facilities and funding for school construction,~~  
10 ~~the superintendent of public instruction may convene a technical~~  
11 ~~advisory group ((including)), which must include citizen members and~~  
12 ~~representatives from school business officers, building and~~  
13 ~~construction contracting and trade organizations, architecture and~~  
14 ~~engineering organizations, and other organizations with expertise in~~  
15 ~~school facilities. The group may advise and make recommendations to~~  
16 ~~the superintendent of public instruction regarding school facilities,~~  
17 ~~funding for school construction, joint planning and financing of~~  
18 ~~educational facilities, facility plans and programs for nonhigh~~  
19 ~~school districts, and determinations of remote and necessary schools.~~

20 ~~(2) Members of the group may be reimbursed for travel expenses in~~  
21 ~~accordance with RCW 43.03.050 and 43.03.060.~~

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